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**SIX AGAINST THE SECRETARY:  
THE RETIRED GENERALS AND DONALD RUMSFELD**

by

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## **Chapter 1**

### **Introduction**

The nature of civil-military relations in the United States is characterized by tensions resulting from a variety of competing principles including autonomy and subordination, self-interest and communalism, and loyalty and freedom. These tensions sometimes manifest themselves in conflict between institutions and individuals, but the disputes rarely capture the attention of the American public. Last year one such conflict garnered widespread media coverage. Beginning in the spring, six retired general officers spoke out in very quick succession and in very public ways against the performance and policies of Secretary of Defense Donald H. Rumsfeld. This paper examines the conduct of these officers and reluctantly concludes that, despite their contribution to the public discourse on the Iraq war, this group eroded the nation's civil-military relations. More broadly, this paper seeks to define the circumstances in which and methods by which it is proper for retired generals to openly oppose elected and appointed civilian leaders; it finds the bounds of legality regarding their speech to be highly permissive but the bounds of propriety to be rather limited.

The paper begins by detailing the events that constitute this so-called "revolt of the generals": their initial media appearances in March and April of 2006, the reaction of the administration, subsequent media appearances through the summer and fall, and the resignation of Rumsfeld in November and its immediate aftermath. It quotes extensively from the

principals, so to capture the tenor of the debate and document the participants' use of language. Having outlined the events of those eight months, the paper then compares the generals' words and actions to standards in the law and the writings of classical civil-military relations theorists such as Samuel P. Huntington and Morris Janowitz, as well as to the ideas of more recent commentators. It then synthesizes these ideas into a specific evaluation of the conduct of these officers and proposes standards of propriety applicable to all retired general officers.

## **Chapter 2**

### **Dialogue of the Revolt**

In March and April of 2006, six retired Army and Marine Corps general officers published articles and made television appearances (as individual authors or guests) in which each leveled criticisms at Rumsfeld which varied in scope and intensity, but which had in common a call for his resignation or firing. Coming as their critiques did in a short span of four weeks and at a time of heated debate over the course of the conflict in Iraq, these officers attained a distinct identity in the media; *Time* magazine, for example, ran a story in mid-April complete with individual photos of each of them.<sup>1</sup> The emergence of the six as a group in the eyes of many observers (although perhaps not their own eyes) at a readily fixed point in time and the subsequent resignation of Rumsfeld roughly seven months later provide natural boundaries in terms of subjects and timeframe for the scope of this case study. The primary focus of this chapter is on the words of the six generals in print and on television, the reaction of the President George W. Bush and his administration, and comments from other retired general officers; the next chapter captures the thoughts of academics and other observers.

#### **Initial Media Appearances of The Six Generals**

##### **Maj Gen (ret) Paul D. Eaton, USA**

General Eaton, an infantry officer, was responsible for training Iraqi military forces from May 2003 to June 2004.<sup>2</sup> He opened the retirees' round of censure of the secretary with an op-ed



on his own byline in *The New York Times* on 19 March 2006. In this piece he was unrelenting in his condemnation, taking Rumsfeld to task for his conduct of the Iraq war, transformation agenda, and hiring practices.

On Iraq, Eaton faulted him for not heeding "the Powell Doctrine of overwhelming force" and the advice of the Army Chief of Staff, General Eric Shinseki, that "several hundred thousand men" were needed for Phase IV of the campaign, the reconstruction phase. Eaton declared the secretary to be "incompetent strategically, operationally and tactically," pointing out that this last level of war was relevant in Rumsfeld's case because Eaton believed him to be inappropriately intruding on the prerogatives of "the soldier on the ground." Eaton expressed dismay at Rumsfeld's force structure policy, terming his emphasis on technology over manpower as "unrealistic" and concluding that the secretary has left the Army "severely undermanned."

Contributing to these problems, in Eaton's view, was Rumsfeld's use of subordinates who show him "fealty" and who too readily acquiesced to their boss: "I have seen...a growing reluctance by experienced military men and civilians to challenge the notions of senior leadership." He singled out the Chairman of the Joint Chiefs of Staff (CJCS), General Peter Pace, USMC, the previous chairman, General Richard B. Myers, USAF, and the Commander of US Central Command (CENTCOM), General Tommy R. Franks, USA, as being "intimidated" or "bull(ied)" by Rumsfeld.

Eaton proposed that the president remedy the problems at the Pentagon by replacing Rumsfeld, specifically suggesting that Senator Joseph I. Lieberman, Democrat of Connecticut, could help "repair fissures...between parties." He also chided Congress for not properly exercising its appropriations and oversight powers. Eaton finished by observing that Rumsfeld

had not learned that "our most important, and sometimes most severe, judges are our subordinates."<sup>3</sup>

**Gen (ret) Anthony C. Zinni, USMC**

General Zinni, an infantry officer, was Commander-in-Chief (CINC) of CENTCOM from 1997 to 2000.<sup>4</sup> Mr. Tim Russert interviewed him on the National Broadcasting Company (NBC) television program "Meet the Press" on 2 April 2006. The ostensible purpose for his appearance was to discuss his then-recently published book, *The Battle for Peace: A Frontline Vision of America's Power and Purpose*. In addition to providing a forum for Zinni to offer his latest observations, the dialogue included a review of some of his earlier public pronouncements.

Russert read a quote from Zinni from 1998, a time when he was serving as the CENTCOM commander, in which he cautioned that a "fragmented, chaotic Iraq" would be "more dangerous in the long run than a contained Saddam is now." Russert later played a tape with a snippet of the general's testimony before the Senate Foreign Relations Committee on 11 February 2003, about a month before the start of the war, during which the then-retired general assessed the necessity for a conflict with Iraq by stating that "This is, in my view, the worst time to take this on."<sup>5</sup>

The host also quoted from the book *Battle Ready*, a 2004 work which Zinni co-authored with Tom Clancy and Tony Koltz (the latter being his collaborator on *The Battle for Peace*): "In the lead-up to the Iraq war and its later conduct, I saw, at a minimum, true dereliction, negligence, and irresponsibility; at worst, lying, incompetence, and corruption." In expanding on this quote to Russert, Zinni first asserted, without naming those responsible, that intelligence was mischaracterized to justify initiating the war. He went on to describe "strategic mistakes, mistakes of policy," including: the discarding of "ten years worth of planning" (an idea he

repeated in the discussion); dismissal "out of hand" of advice regarding troop levels; the poor treatment of Shinseki; misplaced faith in Iraqi exiles; and inadequate consideration of post-war "political, economic, and social reconstruction factors."<sup>6</sup>

Russert then elicited from Zinni his opinion that Rumsfeld should "absolutely" resign, as should "those that stood by and allowed this to happen" (presumably military officers) since "there are appropriate ways within the system that you can speak out, at congressional hearings and otherwise." Zinni agreed when Russert offered that the president should publicly acknowledge mistakes made in the war and hold accountable those responsible. Russert then cited a *Washington Post* story in which Zinni described how, in August 2002, he was "bewildered" by a public statement by Vice President Richard B. Cheney that Iraq possessed weapons of mass destruction; in the piece Russert quoted, the general credited his access to classified information through his consulting for the Central Intelligence Agency and the military as the basis for his contrary assessment.<sup>7</sup>

Neither Russert nor Zinni made mention of Eaton or his op-ed in *The New York Times*. In reviewing the transcript, it's also noteworthy that most of the exchange between Zinni and Russert did not center on the broad themes of *The Battle for Peace*, in which the authors advocated such things as organizational changes in the government to better promote regional stability overseas and foreign economic development.<sup>8</sup> Rather, the "Meet the Press" discussion harkened back to *Battle Ready*, in which Zinni more specifically rebuked the administration on Iraq as described above. In that book he further explained that, as regards Iraq, "False rationales presented as a justification; a flawed strategy; lack of planning; the unnecessary alienation of our allies; the underestimation of the task; the unnecessary distraction from real threats; and the unbearable strain dumped on our overstretched military, all of these caused me to speak out."<sup>9</sup>

Not surprisingly, the publication of *Battle Ready*, which happened to coincide with revelations concerning the Abu Ghraib prison scandal, prompted Zinni to appear on television. Mr. Steve Kroft interviewed him on the Columbia Broadcasting System's (CBS) program "60 Minutes II" on 21 May 2004. The general called for Rumsfeld to resign because "If you charge me with the responsibility of taking this nation to war, if you charge me with implementing that policy (and) with creating the strategy which convinces me to go to war, and I fail you, then I ought to go." Zinni held Rumsfeld's civilian subordinates accountable: "Certainly those in your ranks that foisted this strategy on us that is flawed. Certainly they ought to be gone and replaced." He also took the opportunity to deny an allegation made in an unnamed publication that his condemnation of "neo-conservatives" in the administration was the result of anti-Semitic bias on his part.<sup>10</sup>

#### **Lt Gen (ret) Gregory S. Newbold, USMC**

General Newbold, an infantry officer, was director of operations for the Joint Staff from October 2000 to October 2002.<sup>11</sup> He wrote an article on his own byline for the issue of *Time* magazine published on 9 April 2006. In contrast to Eaton, whose range of criticisms included Rumsfeld's policies on force structure and transformation, Newbold focused more specifically on the Iraq war.

Newbold declared that, while on active duty, he "made no secret of my view that the zealots' rationale for war made no sense" and that he "retired from the military four months before the invasion, in part because of my opposition to those who have used 9/11's tragedy to hijack our security policy."<sup>12</sup> This contrasts with an interview he gave to Thomas E. Ricks of *The Washington Post* on May 2, 2002 at the time of his retirement announcement. Ricks cited unnamed sources who offered that Newbold may have left because he "was fatigued by

Rumsfeld's management style." But when Ricks suggested that theory to Newbold, "he rejected that interpretation of his decision, saying he was leaving for two reason: He owes it to his family, and he thinks it is time to let younger Marine generals move up in the ranks." Interestingly, Newbold did add regarding his job that "It is a square hole, and I am a round peg." Also notable is the fact he retired as a lieutenant general with only two years time-in-grade, an exception to the statutory requirement for three years of service.<sup>13</sup>

In his *Time* article, Newbold said he felt compelled to speak out publicly in retirement due to "the missteps and misjudgments of the White House and the Pentagon, and by my many painful visits to our military hospitals." Among the missteps were: "the distortion of intelligence" before the war; the "McNamara-like micromanagement" that left the military short of resources; "the failure to retain and reconstitute the Iraqi military;" "the initial denial" of the significance of the insurgency; the "alienation of allies;" and the "failure of other agencies" to commit resources on a par with the Department of Defense (DOD). Concluding his catalogue of the errors of civilian leaders, Newbold asserted: "My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions--or bury the results."

Claiming that he did so "with the encouragement of some still in positions of military leadership," Newbold "challenge(d) those...still in uniform" to be more forceful in expressing their opinions to civilian leadership, in part because of the obligation they assumed in swearing an oath to the Constitution. He praised Shinseki for "offering his professional opinion during prewar congressional testimony" as well as the conduct of Army General John P. Abizaid, then Commander of CENTCOM, and General Michael W. Hagee, then the Commandant of the Marine Corps. On the other hand, Newbold chastised the Congress for inadequate oversight and

the media for failing to give sufficient weight to the pre-war cautions of former CENTCOM commanders and fellow retired marines General Joseph P. Hoar and Zinni; his reference to the latter did not mention Zinni's television appearance. Newbold concluded with a call for "fresh ideas and fresh faces" which would come from the replacement of "Rumsfeld and many others unwilling to change their approach."<sup>14</sup>

### **Maj Gen (ret) John M. Riggs, USA**

General Riggs, an aviation officer, was director of the Army's Objective Force Task Force, a group charged with overseeing modernization and transformation efforts, from 2001 to 2004. Ms. Michele Norris interviewed him on the National Public Radio (NPR) program "All Things Considered" on 13 April 2006. In retiring Riggs in 2004, then Secretary of the Army Les Brownlee reduced Riggs in rank from lieutenant general to major general, an event which merits exploration before outlining the NPR interview.

As explained by Riggs to Mr. Tom Bowman of *The Baltimore Sun* in May 2005, the general's problems began in 2003 when the Army Inspector General's (IG) office and Criminal Investigation Command investigated allegations concerning contracting improprieties and an adulterous affair with a female contractor; the only findings of fault came from the IG, which substantiated violations of two contracting rules, but did not substantiate the adultery. The contracting fouls included the use of a contractor to perform inherently governmental functions. Acting on the results of the IG's report, the Army's then Vice Chief of Staff John M. Keane wrote a "memorandum of concern" to Riggs which was not a part of his permanent personnel file.<sup>15</sup>

As documented on the Web site of the Association of the United States Army (AUSA), Riggs addressed an association dinner on 6 January 2004. Decrying the share of the DOD's budget allocated to his service, Riggs said that he had "the feeling that the Army is on a fixed

income" and that "The Army has nothing in the top 10 acquisition programs." On the other hand, the Army received substantial supplemental funding for ongoing operations in Iraq and Afghanistan "Because conflicts are resolved on the ground." Declaring that "Transformation needs to be institutionalized," the general promoted the Army's Future Combat Systems as an acquisition effort that "addresses the new way of war" in the era of combating terrorism.<sup>16</sup>

In a January 2004 interview with Bowman, the same reporter who would later write the 2005 piece on his retirement, Riggs stated that the Army, then sized at 480,000, was unable to fulfill its worldwide commitments and that "I've never seen the Army as stretched in...39 years as I have today;" he advocated an end strength increase of "substantially more than 10,000."<sup>17</sup> Responding the next day, Rumsfeld disputed the need for a permanent end strength increase, arguing that temporary measures that he directed, such as stop loss, would see the Army through what was a short-term requirement for additional troops.<sup>18</sup> Acting on a complaint from then Deputy Defense Secretary Paul D. Wolfowitz, the Army's then Vice Chief of Staff George W. Casey, Jr., directed Riggs to stop discussing personnel increases in public. The following month, superiors whom Riggs did not name ordered him to not give a speech to an AUSA audience promoting the Comanche helicopter, which Rumsfeld cancelled soon thereafter. Riggs submitted his retirement papers in March 2004, and was then surprised when Brownlee subjected him to a grade determination action based on Keane's memorandum of concern from the previous year. As of 2005, several retired generals, including Shinseki and Keane, had submitted letters of support for Riggs in an effort to reverse Brownlee's decision.<sup>19</sup>

In his NPR appearance, Riggs described the civilian leadership climate at DOD as "an atmosphere of arrogance," the most significant manifestation of which was the Rumsfeld's disregard of military advice, including that of Shinseki, which resulted in a shortage of troops for

the "stability phase" of operations in Iraq. Coining a new phrase, the general maintained that another problem was not merely micromanagement, but "nanomanagement." While he called for Rumsfeld to resign, Riggs conceded that active duty officers weren't likely to do so since "That's not within their purview." He also denied that his public protestation was motivated by his demotion, claiming "That isn't the issue at this point."<sup>20</sup>

Riggs was more colorful in remarks to Ricks published in *The Washington Post* on the same day as his NPR appearance, 13 April 2006. The general said that despite the fact that his peer group is "a pretty closemouthed bunch," he believed that "everyone pretty much thinks Rumsfeld and the bunch around him should be cleared out." Riggs felt this was justified because Rumsfeld and other senior defense officials "made fools of themselves, and totally underestimated what would be needed for a sustained conflict."<sup>21</sup>

### **Maj Gen (ret) Charles H. Swannack, Jr., USA**

General Swannack's tour as Commanding General (CG) of the 82nd Airborne Division included a deployment to Iraq in 2003 and 2004.<sup>22</sup> Ms. Barbara Starr interviewed him on the Cable News Network (CNN) on 13 April 2006.

Like several of the other retired generals critical of Rumsfeld's leadership of the Iraq war effort, Swannack cited Rumsfeld's micromanagement and the resulting insufficiency of troops as major reason behind his call for the secretary to resign. Swannack was the first of the six retired generals to take Rumsfeld to task for the Abu Ghraib prison scandal. Although he did not believe Rumsfeld directly ordered the mistreatment, Swannack did believe his direction to "ratchet up the interrogation of terrorists" prompted a chain of events culminating in the Abu Ghraib abuses. Swannack also explicitly spelled out his view regarding the proper role of the secretary, which is to provide "only the strategic objectives (generals are) supposed to achieve,



the policy decisions necessary to bring about those objectives and then funding for the war." Another issue at the root of wider problems was Rumsfeld's hand-on approach in selecting three- and four-star generals; their "absolute loyalty" makes them more inclined to seek his favor rather than expressing to him their "honest beliefs." He also cited the treatment of Shinseki as an incident which exacerbated this lack of candor.<sup>23</sup>

### **Maj Gen (ret) John R.S. Batiste, USA**

General Batiste was CG of the 1st Infantry Division from August 2002 to June 2005, a period which included a one-year deployment to Iraq which concluded in May 2005, and had previously served as the senior military assistant to Wolfowitz.<sup>24</sup> In an appearance that garnered local attention but no national coverage, Batiste, then president of Klein Steel Services in Rochester, New York, addressed the Rochester Rotary Club on 4 April 2006. As reported by Ms. Diana Louise Carter in *The Rochester Democrat and Chronicle*, the general asserted that the US has to muster the resources necessary to win in Iraq because "Failure's not an option." However, Batiste also claimed that during his time in the country that he "didn't meet one Iraqi who understood democracy." Although the Carter piece did not indicate that Batiste's remarks included a call for Rumsfeld to resign, it did state that he described the secretary as being "'arrogant' for ignoring or neutralizing dissent from his military advisers."<sup>25</sup>

In more prominent appearances, Mr. Miles O'Brien interviewed the general on 12 April 2006 on the CNN television program "American Morning," as did Mr. Jim Lehrer on 13 April 2006 on the Public Broadcasting Service (PBS) television program "NewsHour with Jim Lehrer." Mr. Anderson Cooper also interviewed Batiste on 13 April 2006 for his CNN television program "Anderson Cooper 360 Degrees." In addition, the general made several television appearances on morning news and Sunday talk show programs.

O'Brien was most interested in eliciting Batiste's stand on the need for Rumsfeld's resignation, a question which the general fielded by saying that "we need a fresh start in the Pentagon. We need...a leader who knows how to build teams, a leader that does it without intimidation. A leader who conforms and practices the letter and the law of the Goldwater-Nichols Act." He implied that Rumsfeld made decisions "without taking into account sound military recommendations, sound military decision making, sound planning." More explicitly, in response to a follow-up question as to whether or not Rumsfeld "should step down," Batiste replied "In my opinion, yes." Sounding a slightly different note than his fellow retired generals, he also decried the "lack of sacrifice and commitment on the part of the American people" and called for a national mobilization program that would include rationing.<sup>26</sup>

In addition to the points he made to O'Brien, Batiste further specified for Lehrer that he believed Rumsfeld should "step down" because he was responsible for the "strategic underpinnings" of the flawed Iraq invasion, including the decision "to disband the Iraqi military." As to any reservations he harbored while on active duty regarding, for example, troop levels, he explained that a military leader must choose to "salute and execute" or "retire or resign;" he elected to do the former, having expressed his concerns internally, keeping them "within my culture." Similarly, he claimed that "General Shinseki has more support than he ever knows," but that the support he himself offered while still on active duty was not public but rather kept "within my culture." As to the timing of his statements, Batiste offered simply that "There comes a point in time where you speak out. In my case, it was after I chose to leave the Army." As to the timing exercised by other retired generals--and the NewsHour program did cite by name the other five generals studied in this paper--Batiste stated that "We haven't talked; this is all spontaneous."<sup>27</sup>

Cooper elicited from Batiste a description of the origins of his thinking regarding the need for Rumsfeld to resign, which he traced "back five years, for me personally, to the day that General Shinseki retired, and the secretary did not attend his retirement ceremony." Sounding a note reminiscent of Zinni, Batiste said that the planning process for Iraq "ignored what the Central Command had done for 10 years."<sup>28</sup> And in an attempt to demonstrate that "this has nothing to do with politics," he offered that "I have been a Republican all my life and voted for President Bush twice."<sup>29</sup>

Joining Batiste and Cooper were Lt Gen (ret) Daniel W. Christman, USA, who retired in 2001 from his position as Superintendent of the U.S. Military Academy,<sup>30</sup> and Brig Gen (ret) David L. Grange, USA, a CNN military analyst who retired in 1999 from his position as CG of the First Infantry Division.<sup>31</sup> Grange expressed concern that the statements of the six retired generals were a "distraction" to younger active duty officers and would ultimately affect "the American people" in that it would destroy their will to want to continue and accomplish...this fight, this war, this victory in Iraq." Christman took something of a middle ground in what he termed "an enormous professional conflict" between Batiste and Grange. He characterized the criticism of Rumsfeld as having a "depth, and really breadth" beyond that which he could recall from his personal experience, although he conceded events concerning "Secretary Aspin and some others in the '50s" were of similar severity. Mentioning works that frequently emerge in discussions of civil-military relations, the general observed that "this is not 'Seven Days in May,'" but that it did bear similarities to Vietnam as described by now-Col H.R. McMaster in *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam*; Christman specifically cited from that era "General Harold K. Johnson, the

chief of staff of the Army, (who) went to his grave disappointed in himself that he didn't speak up at the right time."<sup>32</sup>

On 14 April 2006, Batiste scored a trifecta of interviews on the morning news programs of the major television networks: with Ms. Katie Couric on NBC's "Today" show; with Ms. Diane Sawyer on the American Broadcasting Company's (ABC) program "Good Morning America;" and with Mr. Harry Smith on the CBS program "The Early Show." In introducing Batiste, Couric stated that, by retiring, he turned down the opportunity for promotion to lieutenant general and assignment as "the second in command of forces in Iraq." The general did not challenge this assertion. He again denied that the comments of the six retired generals were a coordinated effort, but did suggest that one factor behind the "coincidental" events was the recent publication of *Cobra II: The Inside Story of the Invasion and Occupation of Iraq* by Mr. Michael R. Gordon and Lt Gen (ret) Bernard E. Trainor, USMC.<sup>33</sup> Responding to Sawyer's question as to why he did not come out publicly when he was on active duty, Batiste explained that "for the past three year years I've been commanding a division...I had my plate full" and that "Back in the Pentagon four or five years ago, I was a one-star general and, believe me, no one was gonna listen."<sup>34</sup> In speaking with Smith, Batiste offered up a positive idea on the sort of teamwork that ought to supplant the environment created by Rumsfeld, suggesting that senior DOD leaders read *Good to Great: Why Some Companies Make the Leap...and Others Don't* by Mr. Jim Collins.<sup>35</sup>

Mr. Michael Duffy, writing along with five of his colleagues in *Time* magazine in a piece published on 16 April 2006, quoted Batiste on his thoughts while hosting Rumsfeld during his visit to the 1st Infantry Division in Tikrit, Iraq on Christmas Eve 2004: "'When I introduce the Secretary of Defense to my troops, I'm going to be a loyal subordinate,' (Batiste) said. 'But it was boiling inside me. Every time I looked at him, was thinking about that s\_\_\_\_\_ war plan, I

was thinking about Abu Ghraib, and I was thinking about the challenges I had every day trying to rebuild the Iraqi military that he disbanded."<sup>36</sup>

Batiste returned to "Anderson Cooper 360 Degrees on 17 April 2006, appearing with Brig Gen (ret) Kevin Ryan, USA, former deputy director for Army Strategy, Plans, and Policy,<sup>37</sup> and Maj Gen (ret) Donald W. Shepperd, a CNN military analyst and former Director of the Air National Guard.<sup>38</sup> (Shepperd's comments are discussed below in the section of this paper titled "Fox News Military Analysts Writing in *The Wall Street Journal*.") Batiste's main point here was that Rumsfeld "holds others in contempt." Ryan, on the other hand, said that "I disagree with the premise that the secretary should resign. I think it would be a bad move...especially at this time."<sup>39</sup>

*The Washington Post* published an editorial on Batiste's byline on 19 April 2006. His broadest statement making the case for change was that "I have concluded that we need new leadership in the Defense Department because of a pattern of poor strategic decisions and a leadership style that is contemptuous, dismissive, arrogant and abusive."<sup>40</sup> Although very similar to remarks from his television appearances, this piece echoed a few ideas more strongly articulated by other retirees. On the "NewsHour with Jim Lehrer" on 13 April 2006, Batiste emphasized problems with stability rather than combat operations: "we went to war with a plan to beat the Iraqis. That was the easy part. The tough part was to go to Iraq and build the peace."<sup>41</sup> Notwithstanding his quote in the *Time* article, it's worth noting he did not mention Abu Ghraib in either television interview; but, perhaps taking a cue from Swannack, Batiste included the prison scandal in his *Post* editorial: "We provided young and often untrained soldier with ambiguous rules for prisoner treatment and interrogation."

Justifying his speaking out, Batiste asserted that "Civilian control of the military is paramount, but we deserve competent leaders who do not lead by intimidation, who understand that respect is a two-way street, and who do not dismiss sound military advice." Mimicking a phrase from his first CNN interview, the general concluded that "We need a fresh start."<sup>42</sup> Perhaps to preclude conflating his chastisement of the secretary with a perception that he might also be criticizing the president, he neglected to mention the need for sacrifice on the part of the American public that he called for in his earlier television appearances.<sup>43</sup>

### **Initial Reaction of the Administration**

#### **Secretary Condoleezza Rice and Secretary Donald H. Rumsfeld**

The first significant public exchange between the retired generals and administration officials caused more sparks among cabinet officers than between those serving and those retired. In an assessment that generated widespread attention, Secretary of State Condoleezza Rice observed on 31 March 2006 that "I know we've made tactical errors, thousands of them I'm sure. But when you look back in history, what will be judged is, did you make the right strategic decisions."<sup>44</sup> Queried on this the next day, Rice claimed to be speaking figuratively as to the tactical errors, but that the "important thing is to get the big strategic decisions right and...the decision to overthrow Saddam Hussein...is the right decision."<sup>45</sup> Speaking in a radio interview on 4 April 2006, Rumsfeld retorted that "I don't know what she was talking about, to be perfectly honest" and "as the old saying goes, no war plan survives first contact with the enemy."<sup>46</sup> In his *Time* piece, Newbold termed Rice's characterization "an outrage" and exclaimed that "our forces are successful in spite of the strategic guidance they receive, not because of it."<sup>47</sup>

## **Secretary Donald H. Rumsfeld and Gen Peter Pace, USMC**

In a news briefing in which he appeared with Rumsfeld on 11 April 2006 (after the initial appearances of Eaton, Zinni, and Newbold), Pace devoted the entirety of his opening statement to countering media coverage concerning "the responsibility of senior U.S military officers to speak up." He attributed the design of the Iraq war plan to Franks and denied that secretary refused the CENTCOM commander any resources he requested. He described the planning sessions with Rumsfeld as a "very open roundtable discussion" and asserted that "We had then and have now every opportunity to speak our minds, and if we do not, shame on us because the opportunity is there." (Reacting to the latter quote, Batiste said in his CNN interview that "I think the world of General Pace. I respect him enormously, and I respect his words."<sup>48</sup>) The chairman specifically addressed advice to the legislative branch, exclaiming that "I have been for almost five years now asked my personal opinion multiple times by members of the Congress of the United States in testimony, and I have spoken my personal opinion."

In response to a question, Pace offered an extended defense of the character of his civilian superior: "Nobody, nobody works harder than he does to take care of the PFCs and lance corporals and lieutenants and the captains. He does his homework, he works nights. People can question his judgment or my judgment, but they should never question the dedication, the patriotism and the work ethic of Secretary Rumsfeld." The secretary later offered his own context for the declarations of the retirees: "I don't know how many generals there have been in the last five years that have served on the United States armed services. Hundreds and hundreds and hundreds. And there are several who have opinions. And there's nothing wrong with people having opinions. And I think one ought to expect that. When you're involved in something that's controversial, as certainly this war is, one ought to expect that. It's historic, it's always been the case, and I see nothing really very new or surprising about it."

Pace also commented specifically on two of the retired generals, observing about Eaton that "I do not know whether or not General Eaton ever spoke up or not. I never became aware of any concerns until he recently started publishing." Pace made a broad point that, despite a variety of "concerns" harbored by individuals over the course of the planning process, the Joint Chiefs were satisfied in the end that Franks had "a good, executable plan." Elaborating on that point, he speculated that one factor contributing to Newbold's negative assessment regarding the level of concern in the general officer ranks may have been the fact that he retired six months before the development of the final plan. In response to a subsequent question about Newbold, Rumsfeld stated that he had not read the general's article and that "he never raised an issue, publicly or privately, when he was here that I know of." After first expressing agreement with the secretary, Pace clarified that "It would be unfair for me to leave you with the idea that (Newbold) never said anything critical," but that Newbold's "knowledge base" ended in September 2003.<sup>49</sup>

At another news briefing with Pace on 18 April 2006, Rumsfeld responded to the first question on the retired generals by explaining why he was withholding judgment: "Well, you know, I've been hearing about all of this, and I kind of would prefer to let a little time walk over it." He then launched into an extended discourse on transformation focused on the Army, beginning with a story about decisions he made regarding the armament and engine of the M1 tank during his first tour as Defense Secretary in the 1970s, and concluding that transformation is "hard for people in the Army to do. It's hard for people who are oriented one way to suddenly have to be oriented a different way." The secretary added that "The idea of bringing a retired person out of retirement to serve as chief of staff of the army was stunning, and a lot of people didn't like it. The fact he was a Special Forces officer, a joint officer, added to the attitudes."



In subsequent comments specifically on the retired generals, Rumsfeld suggested that they weren't familiar with all that had transpired in the department since they left. As to the idea that their actions might contribute to a "bad precedent," the secretary demurred, saying that "I'd like to let the experts and historians talk about that question of civil-military relationships--leave it to them." He also did not believe that their thoughts represented widespread dissatisfaction on the part of the officer corps: "you know, we've got what, 6,000, 7,000 retired admirals and generals? Anyone who thinks that they're going to be unanimous on anything...if it paralyzes people because someone doesn't agree with them, my goodness gracious, we wouldn't be able to do anything." Rumsfeld dismissed talk of impending resignation by observing that the president "knows that I serve at his pleasure, and that's that."

For his part, Pace backed the comments of the secretary regarding the attitude of the troops by stating that the feedback he'd received from senior military leaders recently returned from Iraq was that they received no questions regarding the controversy at home, and that "The fact of the matter is that the folks who are doing the nation's business are appreciative of the leadership that's being provided and understand the missions they have and the value of what they're doing." The chairman also detailed the frequency with which he and the other chiefs met with the secretary, occasions which afforded them with "multiple opportunities for all of us with whatever opinions we have to put them on the table, and all opinions are put on the table."<sup>50</sup>

### **President George W. Bush**

On 13 April 2006 (one day after Batiste's brief appearance on CNN), White House Press Secretary Scott McClellan came to his daily briefing armed with quotes from Pace from his joint appearance with Rumsfeld two days earlier. In addition to liberally using these quotes in response to questions concerning the secretary, he stated that "The President believes Secretary

Rumsfeld is doing a very fine job during a challenging period in our nation's history." As to the retired generals themselves, McClellan said that "I know of no plans" for the president to meet with them and that the president was "well aware of their opinions." As to the propriety of the generals' remarks, McClellan ventured that "People are going to express their opinions; they have the right to do so."<sup>51</sup>

With 13 April 2006 also marking the initial appearances of Riggs and Swannack, as well as the occasion of the extended interview with Batiste on PBS, plus a rising tide of media coverage,<sup>52</sup> the White House press office issued a nine-sentence statement from Bush (who was at Camp David for the Easter holiday)<sup>53</sup> the following day on Friday, April 14, 2006.

Addressing two issues for which Rumsfeld was criticized by the retired generals, the president observed that he asked the secretary "to transform the largest department in our government....that kind of change is hard" and that "I have seen first-hand how Don relies upon our military commanders in the field and at the Pentagon to make decisions." He concluded with a very strong endorsement: "Secretary Rumsfeld's energetic and steady leadership is exactly what is needed at this critical period. He has my full support and deepest appreciation."<sup>54</sup>

Citing anonymous sources, Mr. Jim Rutenberg and Mr. Mark Mazzetti of *The New York Times* offered the following explanation for the president's action, which appeared in an article published on 15 April 2006: "In defending Mr. Rumsfeld, Mr. Bush seemed to have been asserting his standing as commander in chief, sending a signal to the generals that criticizing the defense secretary is the equivalent of criticizing his own stewardship of the war. Administration officials said Mr. Bush took the strong move of issuing the statement from Camp David on Good Friday because he was concerned that the retired generals were sending mixed messages to the

battlefield." (Rutenberg and Mazzetti also reached Swannack by phone. The general said of Rumsfeld that "His arrogance is what will cause us to fail in the future.")<sup>55</sup>

The next week, Bush briefly touched on Rumsfeld at an event to announce some new (non-defense) senior administration appointments on 18 April 2006. In a statement of support that would later be best known for a new descriptor for his role as president ("the decider"),<sup>56</sup> Bush responded to a question that asserted he was "ignoring the advice of retired generals" by explaining that "I say, I listen to all voices, but mine is the final decision. And Don Rumsfeld is doing a fine job. He's not only transforming the military, he's fighting a war on terror. He's helping us fight a war on terror. I have strong confidence in Don Rumsfeld. I hear the voices, and I read the front page, and I know the speculation. But I'm the decider, and I decide what is best. And what's best is for Don Rumsfeld to remain as Secretary of Defense."<sup>57</sup>

## **Other Retired Generals Discuss The Six**

### **Gen (ret) Richard B. Myers, USAF and Gen (ret) Tommy R. Franks, USA**

Myers and Franks were two of the most prominent retired generals to comment on the activities of the six retirees critical of Rumsfeld. Both made television appearances at a crucial juncture at the height of the controversy, on 14 April 2006. Starr, the same CNN reporter who interviewed Swannack, also spoke with Myers. She showed a brief clip of the general speaking: "I think one of the things we have to understand, or at least my whole perception of this, is that it's bad for the military, it's bad for civil-military relations, and it's potentially very bad for the country, because what we're hearing and what we're seeing is not the role the military plays in society under our laws--for that matter, under our Constitution."

Summarizing herself other parts of the interview, Starr reported that Myers said "yes, retired generals do have the same rights of freedom of speech as every other American, but he simply feels they should not be speaking out in opposition to the president, to the secretary of defense, or to elected officials. He says that is not the job of any military officer, even after they retire. He goes so far as to very politely decline to answer whether he supports Secretary Rumsfeld, because he says that's not his job, that that's the job for the President, for Congress, and for the American people, and that he won't speak out on that".<sup>58</sup>

Although not attributed to another network in its online transcript, the "NewsHour Jim Lehrer" included video of Myers in the 18 April 2006 edition of the program that would appear to be a part of the CNN interview. As reported by PBS, Myers said "It's inappropriate, because it's not the military that judges our civilian bosses. That would be a--we'd be in a horrible state in this country, in my opinion, if the military was left to judge the civilian bosses. Because when you judge Secretary Rumsfeld, you're also judging the commander in chief, because that's the chain of command. And that's just not appropriate."

Mr. Chris Matthews interviewed Franks on the MSNBC television program "Hardball with Chris Matthews" on 14 April 2006. The former CENTCOM chief described the group of six retired generals as "competent, credible military officers, I know most of them." On the other hand, he said none of these generals participated in the "frank, no kidding" exchanges on Iraq war planning that he had with the secretary. In response to a question specifically regarding Newbold, Franks said his "memory does not embrace a single event wherein Greg Newbold told the secretary of defense anything like" the objections he later expressed in his *Time* article, and that he didn't recall Newbold "having been involved with many" of his (Franks') "one-on-one, face-to-face" discussions with Rumsfeld.

As to the nature of the dialogue with the secretary, Franks said that Rumsfeld "would make those discussions very hard and very unpleasant...I never said it was a pleasant process, but very effective." The general denied that Rumsfeld had his own plan for the war, explaining that "the suggestion that the secretary of defense had a notion and took it forth to the members of the military and said, here's what we're going to do, well, that simply didn't happen." Questioned about the roles of Wolfowitz and Under Secretary of Defense for Policy Douglas J. Feith, Franks said he frequently found their questions "distracting" and "not directly related to the issue at hand." The general downplayed the substance of the dispute between Shinseki and Rumsfeld; conceding that the personalities of the Army chief and the Defense Secretary were like "oil and water," he concluded that "Shinseki retired on time. That part of this discussion has been blown out of proportion."<sup>59</sup>

### **Fox News Military Analysts Writing in *The Wall Street Journal***

On 17 April 2006, *The Wall Street Journal* published an opinion piece on the byline of four retired generals: Lt Gen (ret) John Crosby, USA, a former Deputy Commanding General of the Army's Training and Doctrine Command; Lt Gen (ret) Thomas G. McInerney, USAF, a former Assistant Vice Chief of Staff of the Air Force; Maj Gen (ret) Burton P. Moore, USAF, the Director of Operations for CENTCOM during Operation Desert Storm; and Maj Gen (ret) Paul E. Vallely, USA, a former Deputy Commanding General of U.S. Army Pacific. Three of the four authors (McInerney, Moore, and Vallely) worked as military analysts for the Fox News Channel (FNC),<sup>60</sup> a mutual affiliation they did not mention in their editorial.

The four retired generals began by associating themselves with the comments of Myers, saying that, like him, they "do not believe that it is appropriate for active duty, or retired, senior military officers to publicly criticize U.S civilian leadership during war. Calling for the

secretary's resignation during wartime may undercut the mission," undermine "good order and discipline...send a confusing message to our troops," and "inspire and motivate" our adversaries. They referred to the Constitution and tradition as the sources of civilian control of the military.

Moving beyond matters of general principle to the particulars of the criticisms of the six retired generals, the four authors asserted: that there was no "widespread discontent" among the active duty force or most retired generals; that "During (Rumsfeld's) tenure, senior leaders have been involved to an unprecedented degree in every decision-making process;" and that transformation was necessary "to meet the nation's current and future threats." In making these arguments they cited detailed statistics (e.g., there are "7,000 retired generals;" "in 2005 Secretary Rumsfeld also participated in meetings involving service chiefs 110 times and combatant commanders 163 times") without attributing their source. The authors also singled out Zinni and Newbold for failing to "understand the true nature of...radical ideology" and suggested that "they listen to the tapes of United 93." Rumsfeld, on the other hand, "is arguably one of the most effective secretaries our nation has ever had." Returning to a point of principle, the authors conceded that the six retired generals "certainly have the right as private citizens now to speak their minds," but concluded that ultimately "the electorate, and history, will grade their (Bush's and Rumsfeld's) decisions."<sup>61</sup>

Although the four authors did not clarify how they came by such intimate knowledge of Rumsfeld's meeting habits, Mr. Jamie McIntyre, reporting on "Anderson Cooper 360 Degrees" on 17 April 2006, had an explanation: "Rumsfeld defenders are getting ammunition from the Pentagon press office, in the form of bullet points," including the numbers cited in *The Wall Street Journal* piece. McIntyre went to describe a meeting scheduled for the following day between Rumsfeld and "TV military analysts and other opinion makers to make the case that Iraq

is on track. The press office insists it's nothing unusual." Cooper later explained that Shepperd was on distribution for the talking points and did, in fact, plan to participate in the meeting with the secretary the next day. For his part, Shepperd concluded that "the president...and the secretary have to be held responsible through the electoral process...for the outcome of this war on terror. That's the way to do it, not by calling for his resignation." <sup>62</sup>

## **The Drumbeat Continues**

### **April's Momentum Slows in May**

Batiste closed the month with a television appearance on the CBS News Sunday talk show "Face the Nation" hosted by Mr. Bob Schieffer on April 23, 2006. He articulated a new rationale for speaking out: "I did it for basically one reason: It's important to do the harder right than the easier wrong. My decision was grounded fundamentally in what I learned at the United States Military Academy in terms of duty, honor and country." Batiste also attempted to deflect the criticism of Rumsfeld and others who believed he was opposed to the idea of Army transformation by highlighting the presence of Marine generals in the band of six retirees and asserting that "I've been an agent of change my entire career, and transformation is terribly important."

Without specifically citing Duffy's piece in *Time*, Schieffer asked why Batiste offered such a glowing introduction of Rumsfeld to his troops on Christmas Eve 2004; the general explained that he "was a loyal subordinate." Questioned as to why he didn't take the opportunity at that time to offer the secretary suggestions in private, Batiste said he refrained because Rumsfeld had a "track record of contemptuous behavior, dismissiveness and arrogance." The general declined to pass judgment on the whether or not generals involved in the Iraq war planning process who

harbored objections should have resigned: "I can't speak for them." He also explained why his status is different from those still on active service: "Those on active duty can't speak out. To do so would violate the Uniform Code of Military Justice. What perhaps makes me different from others is that I am not associated at all with the Department of Defense. I am not a defense contractor, I'm not a defense consultant."<sup>63</sup>

On 3 May 2006, Zinni and Newbold publicly endorsed the Democratic Party's Virginia U.S. Senate candidate James H. Webb, Jr., himself a Marine Corps veteran and former secretary of the Navy in the Republican administration of President Ronald W. Reagan. Webb hosted a Capitol Hill news conference at which he was joined by the two retired generals as well as Lt Gen (ret) Frank E. Petersen, USMC, a seventy-four year old former CG of Marine Corps Development Command, and fellow Democrat John P. Murtha, Congressman of Pennsylvania and a retired colonel in the Marine Corps Reserve.<sup>64</sup> In endorsing Webb, Newbold lauded his "great sense of moral courage and depth of character" and Zinni credited him with having "spoke(n) out in advance of the war in Iraq with an honest critique of a flawed strategy." Webb defended the propriety of having retired generals engage in politics: "General Dwight David Eisenhower, only five months after he retired from the Army and was running for President, called the record of war policies an 'appalling failure.' This lesson is important because it illuminates our history and helps us to more fully understand the relationship between military and civil authority."<sup>65</sup> Ironically, Webb and Zinni were both vice-chairs of Veterans for Bush-Cheney in 2000.<sup>66</sup>

Matthews hosted Batiste for his second (of what would grow to a total of six) appearances on "Hardball" on 22 May 2006. Addressing the issue of the failure of US leaders to anticipate the Iraqi insurgency, the general said that its emergence "was an absolute certainty" which



leadership did not plan for because "We never addressed the hard part of this mission. That is building the peace." Looking to the future, Batiste somewhat inconsistently professed to be "optimistic," predicting that Iraq would eventually have "some form of representative government that takes into account tribal implications," but also foreseeing that "in the long run, sadly, no" the country would not have a democratic government when American forces leave someday. He viewed a US pullout as occurring in ten years in the "worst case" and "two years" in the best case. The general mentioned "Haditha, this alleged atrocity" only in passing.<sup>67</sup>

### **The McCaffrey Memorandum**

On the occasion of the graduation of the first Iraqi soldier from U.S. Army Ranger training, Ms. Deborah Amos of NPR interviewed two of the retired generals for the "Weekend Edition" broadcast which aired on 14 May 2006. Asked if one Iraqi Ranger could make a difference, Batiste commented that "I think it's symbolic, more than anything else," while Eaton enthused that "This is memorable. This is just the beginning of the true development of quality guys in this army." Eaton also remarked on comments made by Gen (ret) Barry R. McCaffrey, USA, following the latter's return from Iraq. McCaffrey, a former CINC of US Southern Command and former Director of the White House Office of Drug Control Policy, then served as an Adjunct Professor of International Relations at the US Military Academy.<sup>68</sup> He wrote a memorandum for his West Point colleagues on 25 April 2006 summarizing his mid-April visit to the theater, a letter which found its way into the media. Echoing the observation in the McCaffrey memo that the Iraqi military is "very badly equipped,"<sup>69</sup> Eaton cautioned that "We need a Manhattan Project to get after the Iraqi security forces. And we need to properly resource this effort. And the fact that Iraqis do not have more armor than they do right now is a travesty."<sup>70</sup>

In a joint press conference with Prime Minister Tony Blair of the United Kingdom on 25 May 2006, Bush asserted in his opening statement that "We've learned from our mistakes, adjusted our methods, and have built on our successes." When asked what specific actions he regretted, the president mentioned the "kind of tough talk...that sent the wrong signal to people," such as "'bring it on'" and "'wanted dead or alive,'" and the Abu Ghraib incident.<sup>71</sup>

Mr. Larry King interviewed Rumsfeld on his CNN television program "Larry King Live" on 25 May 2006. In discussing the past, the secretary asserted that "Every general in the Central Command wanted the number of troops that General Franks requested. The Joint Chiefs approved that...every single one of those people, except one, who said, well, maybe you would need some more, out of all those generals, one may have speculated that you might need more" (the mention of "the one" who wanted more troops was likely a reference to Shinseki).

Regarding the McCaffrey memo, Rumsfeld reported that "I read it, sent it over to the president. I'm sure the president read it." Reacting to a quote King read from the memo ("We need at least two to five more years of U.S. partnership and combat back up to get the Iraqi army ready to stand on its own."), his guest suggested that "it's hard to tell. It depends on, for example, so many variables that no one can know that answer to."

Commenting specifically on the six retired generals, the secretary observed that "Well, I guess one thing's that pretty clear, and that--well, one of them's running for president. One of them's writing a book and selling a book. You know, I mean, you learn about human nature I suppose." Rumsfeld went on to suggest that they were "uncomfortable" with transformation; he concluded that "Oh, my goodness, no," he was not hurt that they asked him to resign. As for his openness to debate, the secretary explained that "some people think this place runs by command. It doesn't. It's by consent. It's persuasion."<sup>72</sup>

Eaton and Shepperd appeared on "Anderson Cooper 360 Degrees" on 25 May 2006, the same day that Bush met with Blair and Rumsfeld chatted with King. Reacting to the president's admission regarding "mistakes" and referencing the McCaffrey report, Eaton asserted that the U.S. still had not devoted enough resources to the Iraqi military and domestic security forces. Reacting to the idea that there was internal dissent within the defense establishment regarding the planning of troop levels for the invasion of Iraq as outlined in *Cobra II*, Shepperd said that "When all this controversy came up, Anderson, we met with...General Pace...and Secretary Rumsfeld, and they were astounded at the controversy kicked up, because they said there were 50 or 60 meetings in which we argued over numbers over strategy" and that "It's very clear that nobody anticipated the difficulty of the insurgency we're facing. And it's very clear that that was an error. And it's also very clear that it's difficult for people to admit that right now."

In rebutting Shepperd, Eaton cited Shinseki's assessment of the necessary troop levels and refuted statements made by Myers (although Cooper did not play any tape of the former chairman): "General Shinseki asked for several hundred thousand--or said several hundred thousand. But when Myers was before--the camera, he said Shinseki wasn't necessarily wedded to that number, that he was pressured into giving that answer by the senator, without having vetted it through the chairman of the Joint Chiefs or secretary of defense, not understanding that that senator wanted General Shinseki's unvarnished, unadulterated opinion on what that answer was, rather than having the group-think answer that was coming out of the Pentagon at the time."<sup>73</sup>

### **The Haditha Killings**

On 19 November 2005, enlisted marines operating in Haditha allegedly killed 24 Iraqi civilians, an event which officers in their chain of command allegedly acted to cover up.<sup>74</sup> News

of the subsequent investigations generated widespread media coverage in late May 2006,<sup>75</sup> including an appearance by Batiste and McCaffrey on "Hardball with Chris Matthews" on 30 May 2006. Joining them were: Gen (ret) Wayne Downing, USA, who is a former CINC of US Special Operations Command (SOCOM), a former National Director and Deputy National Security Advisor for Combating Terrorism in the Bush (the incumbent president's) White House, an active member of the faculty of the Combating Terrorism Center at the US Military Academy, and an NBC News military analyst;<sup>76</sup> and RADM (ret) John D. Hutson, USN, a former Judge Advocate General of the Navy.<sup>77</sup>

Batiste viewed this tragedy in much the same light as he saw other problems in Iraq: "I think the alleged atrocity at Haditha, the national disgrace at Abu Ghraib and the three years (of) uncontrollable violence and chaos in Iraq can all be traced back to the bad decisions and leadership of our secretary of defense in 2003 and early 2004." These bad decisions allegedly included placing insufficient "numbers of troops on the ground, to not only take down the regime, but then to do the hard work of building peace in Iraq." Because of these failures, Batiste again claimed that Rumsfeld "absolutely" should resign.

Hutson agreed with Batiste that frustration and fatigue borne of having too few troops was "part of" the cause for the alleged crimes of the marines, but the admiral was more concerned that the military had taken the attitude that the events at Abu Ghraib and Haditha were simply the actions of "a few bad apples" whom the services could discipline in isolation. He argued that for "too long...nobody has said the next general in the chain of command (on whose watch such an incident) happens is going to be relieved." Hutson suggested that the investigation conducted in the aftermath of the My Lai massacre in Vietnam was "sort of the gold standard" for searching

for lessons in the wake of a tragedy and advocated for "a panel of...three or five retired four stars" to thoroughly report on the Haditha matter.

Adjudging Abu Ghraib and Haditha, Downing exclaimed that "I sure as hell by any stretch of the imagination cannot assign a responsibility in all this to Donald Rumsfeld. This is a chain of command at fault." But it wasn't their thoughts on Haditha that garnered Downing and McCaffrey their invitations from Matthews; it was their participation in a meeting hosted that day by the president and attended by four experts on the Middle East. McCaffrey said that Bush "listened intently and...was clearly signaling, there was an awareness, 20,000 killed and wounded, \$300 billion, this thing got off track." <sup>78</sup>

Describing the president's meeting in his daily press briefing on 30 May 2006, McClellan's successor, Mr. Tony Snow, listed the six guests as McCaffrey, Downing, "Michael Vickers, Amir Taheri, Fouad Ajami, and Raad Alkadiri," the civilians being "four scholars and students of Iraq." He summarized the session by saying that "The one thing that was of mutual agreement is that, number one, this is an important enterprise, and number two, that we can and will win it." The press secretary also took the opportunity to comment on the McCaffrey report, explaining that the general "had some practical concerns," but that "he's not ventilating any agreements or disagreements with the Secretary of Defense."<sup>79</sup>

Mr. Keith Olbermann interviewed Batiste on the MSNBC television program "Countdown with Keith Olbermann" on 1 June 2006. The general reiterated his point about Rumsfeld's responsibility for Haditha, but professed faith "that our great military justice system" would hold accountable those who may have behaved criminally at lower echelons. Returning to the theme that the secretary failed to acknowledge the growing insurgency in 2003, he cited the example of Lt Gen William S. Wallace, USA,<sup>80</sup> then Commanding General of V Corps, whom Rumsfeld

was reportedly prepared to relieve following his comment to *The Washington Post* and *The New York Times* that "The enemy we're fighting is a bit different than the one we war-gamed against, because of these paramilitary forces. We knew they were here, but we did not know how they would fight."<sup>81</sup>

Batiste spoke out on Haditha again in an interview with Mr. John Roberts on "Anderson Cooper 360 Degrees" on 6 Jun 2006. The general characterized Haditha, Abu Ghraib, and the ongoing chaos in Iraq as "symptom(s) of a much bigger problem, a much bigger evil." When Roberts asked, "And that bigger problem is?," Batiste replied "And that is Secretary of Defense Donald Rumsfeld." Roberts also read a quote from Shepperd on Batiste's criticisms of Rumsfeld: "They are his opinions and the opinions of a very angry man that have come out over a very long period of time. It's absolutely wrong in the face of Haditha before you know what's gone on to call for the resignation of anybody." In his rebuttal, Batiste claimed he left the service "so we could turn the lights on in this very dark room. If not me, who?" Batiste pointed out that he, not Shepperd, "had the experience in Iraq." He also said that, "if I'm angry," this stemmed from his belief that "when you don't do the proper planning and preparation, casualties are never acceptable."<sup>82</sup>

### **A Quiet Summer**

For his second newspaper editorial, Batiste wrote a piece published in *The St. Louis Post-Dispatch* on 6 July 2006. In addition to restating his indictment of Rumsfeld, he spelled out what he believed to be necessary to succeed in Iraq, including additional resources for their security forces, reforms to the U.S. interagency process, and, returning to a theme from earlier appearances, the mobilization of the American public for "a long-term commitment" to the stabilization effort.<sup>83</sup>

Batiste appeared once again on "Hardball with Chris Matthews" on 7 August 2006.

Matthews opened the segment by showing a video of Abizaid testifying before the Senate Armed Services Committee (SASC) on 3 August 2006: "I believe that the sectarian violence is probably as bad as I've seen it, in Baghdad in particular, and that if not stopped, it is possible that Iraq could move towards civil war."<sup>84</sup> In addition to lauding the honesty of Abizaid, Batiste praised the probity of the members of the SASC, who "made me proud, both Republicans and Democrats." On the other hand, the general found the "House Armed Services Committee strangely silent. They need to get some energy going." He concluded hopefully: "I'm confident that (Chairman) Congressman Duncan Hunter will do just that."<sup>85</sup>

On the 25 August 2006 edition of "Hardball with Chris Matthews," the host summarized weakening Congressional support for Rumsfeld: "This week, the public calls for Rumsfeld's resignation came from House Republican Chris Shays (of Connecticut) and Senator Joe Lieberman, the president's favorite former Democrat." He added that while Senator John McCain, Republican of Arizona, believed that Rumsfeld's continued service was a matter for the president to decide, he showed a tape of the senator saying "I have been asked a number of times if I had confidence in Secretary Rumsfeld, and the answer is no." Matthews also showed video of Batiste, the general's only appearance on that edition of the program and likely recorded at an earlier date, in which the general said: "Donald Rumsfeld is still at the helm of the Department of Defense, which is absolutely outrageous. He served our great military a huge bowl of chicken feces, and ever since then, our military and our country have been trying to turn this bowl into chicken salad. And it's not working."<sup>86</sup>

## **Prelude to Election Day**

### **The Senate Democratic Policy Committee**

On 25 September 2006, Batiste, Eaton, and Col (ret) T.X. Hammes, USMC, author of *The Sling and the Stone: On War in the Twenty-First Century*, appeared before the Senate Democratic Policy Committee to address the subject of "Planning and Conduct of the War in Iraq." The committee, like its Republican counterpart, is an extension of the party's Senate leadership structure and is recognized in law. Chairman Byron Dorgan, Democrat of North Dakota, convened the session to compensate for what he believed to be a dearth of oversight on the part of the Senate's Republican majority.

In his opening statement, Dorgan quoted Batiste: "I will never, ever forget, as long as I live, the reply of General Batiste when I asked him last week, 'Could you come to Washington on Monday?' His response was, 'It's the least I could do for my country.'"

In his opening statement, Batiste restated criticisms of Rumsfeld he made in previous appearances and offered suggestions for the future similar to those he outlined in his *St. Louis Post-Dispatch* editorial: "First, the American people need to take charge through their elected officials. Secretary Rumsfeld and the administration are fighting a war in secret that threatens our democratic values;" "Second, we must replace Secretary Rumsfeld and his entire inner circle;" "Third, we must mobilize our country for a protracted challenge;" "Fourth, we must rethink our Iraq strategy;" "Fifth, we must fix our interagency process to completely engage and synchronize all elements of America's national power;" and "Finally, we need to get serious about mending our relationships with allies and getting closer to our friends and enemies."

Responding to questions from the committee, Batiste made many interesting observations. In discussing detention operations he led in early 2004 as the CG of the 1st Infantry Division, he



explained that he considered some rules imposed by higher headquarters to be improper: "I consider these to be unlawful, and we will not do this. We will ground ourselves in the Geneva Conventions, and we will treat people right...Probably 99 percent of those people (detainees) were guilty of absolutely nothing, but the way we treated them, the way we abused them turned them against the effort in Iraq forever." He specifically cited Rumsfeld's intervention in the time-phased force and deployment data (TPFDD) process as an example of the secretary's micromanagement, terming it "a nightmare." Batiste also expressed frustration at the lack of opportunity to speak on Capitol Hill: "I began speaking out in Rochester, New York, early April of 2005, vehemently. No shortage of op-eds, no shortage of venues with the press. I've accepted every one of them. But Congress only now, today, invited me to speak. I find that outrageous-- 11 months." As to the opinions of active duty senior leaders, he observed that "I have yet to be contacted by any serving general or admiral or flag officer to say 'Stop what you're doing.'"

Eaton devoted most of his opening statement detailing how Rumsfeld and Wolfowitz compromised the building of the Iraqi armed forces, which was Eaton's responsibility while he was in theater, by diverting resources to the training of Iraqi police forces, which was itself a chaotic effort. The general critiqued the most recent Quadrennial Defense Review for crafting a vision of a U.S. military that would function as "a new more potent counter-Warsaw Pact force" and would lack the "greater numbers of ground forces" need to combat insurgencies. Although he did not suggest a potential replacement for Rumsfeld, Eaton ventured that new secretary should understand "how to build alliances at home and abroad...the operational art...and the contemporary environment we live in."

Eaton also encouraged the Congress to bring active duty officers to Capitol Hill to testify: "If the active duty United States military is not careful, they will be tarred with a brush Secretary

Rumsfeld has go(ing) after him right now. And I don't want to bring up the specter of a 'Seven Days in May' or a failure of civilian control of the military. You can unfetter them--you can take the problem by subpoena measure to bring in active duty soldiers of all ranks and have them swear and have them deliver testimony, as we have here, but by subpoena, and you will unleash them from the problem that they have, based on conversations that they have perhaps entered into with the Secretary of Defense."

Like the retired generals, Hammes called on Rumsfeld to step down. He also echoed his fellow witnesses in recommending a stronger interagency effort and increased military procurement to put the nation "on a wartime footing." He stated the military was short 60,000 soldiers, the same number cited by Eaton. Hammes seemed to fault active duty flag officers for their lack of public candor: "as to why you have not heard the truth about troops, I think there has been a senior--a serious failure of the part of our senior leadership. I also think the geniuses who wrote the Constitution anticipated it and gave us the First Amendment."

All of the committee members lauded the witnesses for appearing. Typical of their comments were these by Senator Hillary Rodham Clinton, Democrat of New York: "I hope that by your coming forward, it sends a very strong signal that we have experienced, patriotic officers and former officers who are willing to stand up and tell us what happened and get behind the screen. It's like the 'Wizard of Oz'--get behind the screen." In closing the hearing, Dorgan claimed that "this is some of the most stunning testimony I've ever received from witnesses at a witness table in a Senate hearing."<sup>87</sup>

### **"Donald Rumsfeld, Man of War"**

Mr. Frank Sesno hosted an episode of "CNN Presents" titled "Donald Rumsfeld, Man of War" which aired on 30 September 2006 and which included brief video segments featuring

Batiste, Eaton, and Riggs. Batiste garnered the most air time; he said that he asked for--and did not receive--more troops during his command tour in Iraq and that "Rumsfeld ignored sound military advice." As in his *New York Times* piece, Eaton observed that Rumsfeld demanded "fealty" of his subordinates. Explaining how uniformed leaders would eventually succumb to Rumsfeld's wishes, Riggs said "If you press the military, like the generals so hard they will eventually say, yes, sir, Mr. Secretary. Three bags full. We'll take what you have given us and do the best with it."<sup>88</sup>

### ***State of Denial: Bush at War, Part III***

Counselor to the President Dan Bartlett made the rounds on the Sunday television talk shows on 1 October 2006 to react to Bob Woodward's characterization of the administration in *State of Denial: Bush at War, Part III*; he appeared on "ABC This Week" with Mr. George Stephanopoulos, "Face the Nation" with Schieffer, and "CNN Late Edition with Wolf Blitzer."<sup>89</sup> Responding to a question from Stephanopoulos about Rumsfeld's future, Bartlett said "We recognize that he has his critics. We recognize that he's made some very difficult decisions. Some people don't like his bedside manner but what President Bush looks to in Secretary Rumsfeld is to bring him the right information he needs to make the right decisions...he believes that Secretary Rumsfeld is the right person to help him lead that fight."<sup>90</sup> In speaking with Schieffer, Bartlett addressed the controversy surrounding troop levels: "the president did not reject advice from the CENTCOM--from the central command or from Tommy Franks for more troops and they didn't get it. At every step of the way, the president has given the commanders what they wanted."<sup>91</sup>

*State of Denial* prompted a return engagement for Batiste on "Countdown with Keith Olbermann" on 2 October 2006. Although his comments were quite similar to those he made in

previous appearances, two of the general's more noteworthy suggestions here were that the U.S. should designate either Iraq or Afghanistan as "the main effort" and that the U.S. should post an ambassador to Syria.<sup>92</sup>

On the 2 October 2006 edition of "NewsHour with Jim Lehrer," Mr. Ray Suarez played a video extract of Batiste's testimony before the Senate Democratic Policy Committee: "Our nation's treasure in blood and dollars continues to be squandered under Secretary Rumsfeld's leadership. Losing one more American life due to incompetent war planning and preparation is absolutely unacceptable." Responding to questions from Suarez, Gen (ret) Ronald R. Fogleman, USAF, a former Chief of Staff of the Air Force, vigorously defended the secretary, describing Rumsfeld "a very strong secretary of defense," his transformation agenda as "badly needed," and disgruntled senior officers as "not (being) used to having their egos bruised." Fogleman, who explained that he "was on the Defense Policy Board during...the lead-up to the invasion of Iraq," weighed in on the issue of troop levels by saying that a request for additional forces from Lt Gen (ret) Jay Garner, USA, the first Director of the Office of Reconstruction and Humanitarian Assistance, was considered by the JCS, but the chiefs determined that the added troops weren't necessary.<sup>93</sup>

### **Deteriorating Poll Numbers**

Couric interviewed Eaton on the "CBS Evening News" on 13 October 2006. She led the segment by citing a CBS News/*New York Times* poll in which 66% of respondents indicated that the war was going "badly." The general's broad point was that future Iraq strategy should place greater emphasis on diplomatic and economic means. Reminiscent of Batiste on "Countdown with Keith Olbermann," Eaton suggested that the U.S. return an ambassador to Syria; he also recommended re-establishing an embassy in Iran.<sup>94</sup>

## **A Presidential Vote of Confidence**

On 1 November 2006, six days before the Congressional mid-term elections, Bush was interviewed by three wire service reporters: Mr. Terrence Hunt of the Associated Press; Mr. Steven Holland of Reuters; and Mr. Richard Keil of Bloomberg News.<sup>95</sup> The president used the occasion to endorse Cheney and Rumsfeld, saying that "Both those men are doing fantastic jobs and I strongly support them." According to Hunt, "Bush credited Rumsfeld with overseeing the wars in Iraq and Afghanistan while overhauling the military. 'I'm pleased with the progress we're making,' the president said. He replied in the affirmative when asked if he wanted Rumsfeld and Cheney to stay with him until the end."<sup>96</sup>

Mr. Lou Dobbs hosted Batiste, Eaton, and Hammes on his CNN television program "Lou Dobbs Tonight" on 1 November 2006. In introducing the segment, Dobbs cited Bush's statements of support for Rumsfeld, but oddly neglected to mention that his three guests appeared together before the Senate Democratic Policy Committee five weeks earlier. Dobbs asked each of the retired officers to comment on the president's remarks, and each called for Rumsfeld's resignation. Batiste criticized the Congress for inadequate oversight, but advised that "we all, as American citizens, have an opportunity on November 7 to vote and get it right." Defending the senior leaders of the uniformed military, Eaton suggested they would be free "to speak frankly to the Congress under subpoena, if we can get a Democratic Congress elected here, and get the generals to speak in public." Decrying the lack of resources devoted to equipping forces both at home and abroad, Hammes said that "We have Americans in the United States without equipment to train. That's flat out immoral."<sup>97</sup>

### ***Military Times Newspapers Weigh In***

On 3 November 2006, the Military Times Media Group, which publishes *Army Times*, *Navy Times*, *Air Force Times*, and *Marine Corps Times*, released an advance copy of an editorial that concluded that "Donald Rumsfeld must go."<sup>98</sup> Summarizing their case against the secretary, the editors said that "Rumsfeld has lost credibility with the uniformed leadership, with the troops, with Congress and with the public at large. His strategy has failed, and his ability to lead is compromised."

As evidence of Rumsfeld's lost credibility, they explained that "when the nation's current military leaders start to break publicly with their defense secretary, then it is clear that he is losing control of the institution he ostensibly leads. These officers have been loyal promoters of a war policy that many privately feared would fail. They have kept their counsel private, adhering to more than two centuries of subordination of the military to civilian authority." The editors cited Abizaid's testimony before the Senate Armed Services Committee regarding the escalating violence in Baghdad as one example of the military leadership's public break with Rumsfeld. They were not overly enamored with the retirees: "Military leaders have generally toed the line, although a few retired generals eventually spoke out from the safety of the sidelines, inciting criticism equally from anti-war types, who thought they should have spoken out while still in uniform, and pro-war foes, who thought the generals should have kept their critiques behind closed doors."<sup>99</sup>

Speaking to Mr. Matthew B. Stannard of *The San Francisco Chronicle*, Dr. David R. Segal, director of the Center for Research on Military Organization at the University of Maryland, observed that the *Military Times* newspapers are "extremely well read and influential for the professional military" and speculated that "it would be safe to say if the *Army Times* is saying that, it is something they are hearing from senior officers in the Army." *Military Times* senior

managing editor Robert Hoderne refuted the idea that his staff timed the editorial to coincide with the elections, explaining that it was Bush's public endorsement of Rumsfeld on 1 November 2006 that prompted them to publish the piece two days later.<sup>100</sup>

## **Rumsfeld's Resignation and Its Aftermath**

### **A Presidential Change of Course**

The Congressional mid-term elections on 7 November 2006 yielded major gains for the Democrats as they wrested control of both the House and Senate. Speaking to reporters in the East Room of the White House the following day, Bush congratulated the new Capitol Hill leadership and surprised many observers by announcing Rumsfeld's resignation and his intent to nominate Dr. Robert M. Gates to be his new Secretary of Defense. Describing his dialogue with Rumsfeld in his prepared remarks, Bush said that "Now, after a series of thoughtful conversations, Secretary Rumsfeld and I agreed that the timing is right for new leadership at the Pentagon. Our military has experienced an enormous amount of change during the last five years while fighting the war on terror, one of the most consequential wars in our nation's history. Don Rumsfeld has been a superb leader during a time of change. Yet he also appreciates the value of bringing in a fresh perspective during a critical period in this war."

When Holland pointed out to Bush that the president just told him a week earlier that Rumsfeld would be staying on board, he explained that "I didn't want to inject a major decision about this war in the final days of a campaign. And so the only way to answer that question and to get you on to another question was to give you that answer. The truth of the matter is, as well- -I mean, that's one reason I gave the answer, but the other reason why is I hadn't had a chance to visit with Bob Gates yet, and I hadn't had my final conversation with Don Rumsfeld yet at that

point." Continuing his description of the dialogue with Rumsfeld, Bush said that "he and I both agreed in our meeting yesterday that it was appropriate that I accept his resignation. And so the decision was made--actually, I thought we were going to do fine yesterday. Shows what I know. But I thought we were going to be fine in the election. My point to you is, is that, win or lose, Bob Gates was going to become the nominee."<sup>101</sup>

Later that afternoon in the Oval Office, Bush introduced Gates and bade farewell to Rumsfeld. Reflecting on his six years of service in the administration, the outgoing secretary said that "It's been quite a time. It recalls to mind the statement by Winston Churchill, something to the effect that 'I have benefited greatly from criticism, and at no time have I suffered a lack thereof.' The great respect I have for your leadership, Mr. President, in this little understood, unfamiliar war, the first war of the 21st century--it is not well known, it was not well understood, it is complex for people to comprehend. And I know, with certainty, that over time the contributions you've made will be recorded by history."<sup>102</sup>

### **Three Retired Generals Comment**

On the day of the president's announcement, 8 November 2006, Couric briefly interviewed Batiste on the "CBS Evening News." Discussing Rumsfeld rather than Gates, the general suggested that the secretary "should have stepped down years ago. I think back during the disaster of Abu Ghraib was a perfect point for him to step down."<sup>103</sup>

Mr. Steve Inskeep hosted Riggs on NPR's "Morning Edition" on 10 November 2006. The general described the wear and tear repeated deployments were inflicting on soldiers and equipment, but predicted that "the change out of Mr. Rumsfeld is a wonderful opportunity to correct some of these problems." Assessing the extent of his interaction with the secretary on transformation issues, Riggs said that "It wasn't necessarily that I had daily interface to disagree



or not agree, or whatever the case may be. But I think the point is Mr. Rumsfeld had sort of the right views. You know, a lighter, more lethal, more, you know, information-based type of a force. I just think that he didn't recognize that you can't just build a future military predicated upon shock and awe. That's good to punish people. But if you're going to take a nation and build it back up, it takes a sizeable land force."<sup>104</sup>

The reader may recall that this paper's account of commentary by retired general officers began with a description of Eaton's opinion piece in *The New York Times* in March 2006. It's somewhat fitting, then, that this chapter turn to another editorial on Eaton's byline published in the *Times* on 10 November 2006. Looking ahead to Gates' tenure, the general's first suggestion was that "the Democratic leadership needs to push the administration to move immediately on whatever recommendations come from the Iraq Study Group led by James Baker and Lee Hamilton. The decision to hold the commission's report until after the election was political suicide--every day we wait risks the lives of our soldiers and our Iraqi allies." Eaton also advanced other ideas, including "a Manhattan Project-level effort to build the Iraqi security forces" and an increase in the size of the Army from 512,000 troops to "at least 570,000."<sup>105</sup>

The last quotable appearance of a retired general examined in this paper is that of Batiste on "Hardball with Chris Matthews" on 22 November 2006. Among Batiste's recommendations for the future were: "to get the Iraqi security forces stood up;" to "stop the flow of the insurgency from Iran and Syria;" "to stop the militias;" and "to increase the number of troops in Iraq by some number quickly." Matthews also announced that Batiste would be participating in a "forum for discussing options for Iraq" to be hosted by House Democrats on 5 December 2006.<sup>106</sup> The general later appeared at that event as scheduled; afterwards, the presumptive Speaker of the House of Representatives, Congresswoman Nancy Pelosi, Democrat of

California, characterized the session by saying that "What we heard today is that there are no easy answers in Iraq. It's a difficult challenge for our country and it requires our fullest attention and decision-making that is hard-nosed to make a New Direction."<sup>107</sup>

### **By the Numbers**

Counting the participation of two retirees at the same event as two "appearances," this paper documented 30 radio and television appearances on the part of the generals: Batiste led by far with 20 interviews; Eaton appeared on five occasions; Riggs showed up three times; Swannack and Zinni made one appearance each; and Newbold appeared not at all. During the eight-month period examined in this paper, Batiste and Eaton authored two newspaper editorials a piece, Newbold wrote an article for *Time* magazine, and Zinni's publisher released his book. Batiste, Eaton, and Swannack were each interviewed once for newspaper and magazine articles. Eaton, Newbold, and Zinni each made a partisan political appearance, while Batiste participated in two such events. The numbers are an important part of the story, but not all appearances are created equal. The article on Newbold's byline in a national weekly newsmagazine clearly had more of an impact than one of Batiste's minor television interviews. Having documented the words of the generals, this paper now turns to their meaning and propriety.

## Notes

(All notes appear in shortened form. For full details, see the appropriate entry in the bibliography.)

1. Duffy et al., "The Revolt of the Generals," 41.
2. Eaton, "A Top-Down Review for the Pentagon," section 4, pg. 12; US Senate, *Planning and Conduct of the War in Iraq*, 8; and Sesno, "CNN Presents: Rumsfeld, Man of War."
3. Eaton, "A Top-Down Review for the Pentagon," section 4, pg. 12. Five of the six retired generals (Zinni being the exception) mentioned Shinseki in their initial appearances. In April 2002, after many months of wrangling over transformation and modernization, Rumsfeld put the word out that he intended to replace Shinseki with Gen John M. Keane. This was fifteen months in advance of Shinseki's planned retirement, and he reportedly first read the news in *The Washington Post*. See Hendren, "Army Holds Its Ground in Battle with Rumsfeld; A light-armor program is spared, but the service's role in modern warfare remains an issue," A1 and Ricks, "Bush Backs Overhaul of Military's Top Ranks," A1. On 25 February 2003, Shinseki testified in response to a question from Senator Carl Levin (D-MI) that an occupation of Iraq would require "something on the order of several hundred thousand soldiers;" see US Senate, *The Fiscal Year 2004 Defense Budget: Hearing before the Committee on Armed Services*. On 27 February 2003, Wolfowitz testified that such a prediction was "wildly off the mark;" see US House, *Department of Defense Budget Priorities for Fiscal Year 2004: Hearing before the Committee on the Budget*, 8. On 11 June 2003, in remarks at his retirement ceremony, Shinseki warned his audience to "Beware the 12-division strategy for a 10-division Army;" see "Shinseki Farewell Ceremony Remarks (As Prepared)." Rumsfeld did not attend the ceremony, nor did Shinseki mention the secretary in his remarks; see Shanker, "Retiring Army Chief of Staff Warns Against Arrogance," A32.
4. Zinni and Koltz, *The Battle for Peace: A Frontline Vision of America's Power and Purpose*, 235.
5. Russert, "Transcript for April 2 - Meet the Press" and US Senate, *The Future of Iraq: Hearing before the Committee on Foreign Relations*, 92.
6. Russert, "Transcript for April 2 - Meet the Press" and Clancy, Zinni, and Koltz, *Battle Ready*, 426.
7. Russert, "Transcript for April 2 - Meet the Press" and Ricks, "For Vietnam Vet Anthony Zinni, Another War on Shaky Territory," C1.
8. Zinni and Koltz, *The Battle for Peace: A Frontline Vision of America's Power and Purpose*, 155-175.
9. Clancy, Zinni, and Koltz, *Battle Ready*, 426-427.
10. Kroft, "60 Minutes II: Gen. Zinni: 'They've Screwed Up.'"
11. Newbold, "Why Iraq Was a Mistake," 42 and US Marine Corps, "Official Biography for Gregory S. Newbold."
12. Newbold, "Why Iraq Was a Mistake," 42.
13. Ricks, "General With a Key Pentagon Role to Retire," A13. Ricks added: "Asked what lies next in his life, Newbold said his ideal job would be in the power tools section of a Home Depot store. 'I like the aprons,' he said."
14. Newbold, "Why Iraq Was a Mistake," 42.
15. Bowman, "Unceremonious end to Army career," A1.
16. Association of the United States Army, "Riggs: Army is not Adequately Sized, Shaped, Resourced."
17. Bowman, "3-star general says Army too small to do its job," A1.
18. Bowman, "Army big enough to do the job, Rumsfeld says," A1.
19. Bowman, "Unceremonious end to Army career," A1.
20. Norris, "All Things Considered: Gen. Riggs Joins in Calling for Rumsfeld to Quit."
21. Ricks, "Rumsfeld Rebuked by Retired Generals, Ex-Iraq Commander Calls for Resignation," A1.
22. US Department of Defense, "82nd Airborne Division Commanding General's Briefing from Iraq."
23. Starr, "Retired Maj. General: 'We need a new secretary of defense.'"
24. US Senate, *Planning and Conduct of the War in Iraq: Hearing before the Democratic Policy Committee*, 6, and Marlow, "Army welcomes 'Big Red One' back to Germany."
25. Carter, "Iraq war vet says we must win," 3B.
26. O'Brien, "American Morning: Top Retired Military Officials Call for Rumsfeld to Resign."
27. Lehrer, "NewsHour with Jim Lehrer: Generals Speak Out on Iraq."
28. Cooper, "Anderson Cooper 360 Degrees: Should Donald Rumsfeld Resign?" Note the similarity to Zinni's comment: "We're throwing away 10 years worth of planning;" see Russert, "Transcript for April 2 - Meet the Press."
29. Cooper, "Anderson Cooper 360 Degrees: Should Donald Rumsfeld Resign?"

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30. Cooper, "Anderson Cooper 360 Degrees: Should Donald Rumsfeld Resign?" and US Chamber of Commerce, "Lt. General (Ret.) Daniel W. Christman: Senior Vice President for International Affairs."
  31. Cooper, "Anderson Cooper 360 Degrees: Should Donald Rumsfeld Resign?" and Grange, "Asymmetric Warfare: Old Method, New Concern." Another source indicates that Grange did attain the rank of Maj Gen (see Grange and Johnson, "Forgotten Mission, Military Support to the Nation."), but this author was unable to learn why he retired at a lower grade.
  32. Cooper, "Anderson Cooper 360 Degrees: Should Donald Rumsfeld Resign?"
  33. Couric, "Today: Retired General John Batiste discusses his reasons for calling for resignation of Donald Rumsfeld."
  34. Sawyer, "Good Morning America: Why Should Rumsfeld Resign?"
  35. Smith, "The Early Show: Retired Major General John Batiste discusses issue of several retired generals saying Defense Secretary Donald Rumsfeld should resign."
  36. Duffy et al., "The Revolt of the Generals," 41.
  37. Cooper and McIntyre, "Anderson Cooper 360 Degrees: Shake-Up in the West Wing," and Ryan, "Enhance force levels? Look to immigrants," 9.
  38. Cooper and McIntyre, "Anderson Cooper 360 Degrees: Shake-Up in the West Wing," and The Sheppard Group, Inc., "Meet Don."
  39. Cooper and McIntyre, "Anderson Cooper 360 Degrees: Shake-Up in the West Wing."
  40. Batiste, "A Case for Accountability," A17.
  41. Lehrer, "NewsHour with Jim Lehrer: Generals Speak Out on Iraq."
  42. Batiste, "A Case for Accountability," A17.
  43. O'Brien, "American Morning: Top Retired Military Officials Call for Rumsfeld to Resign" and Lehrer, "NewsHour with Jim Lehrer: Generals Speak Out on Iraq." Batiste told Lehrer in discussing the need for sacrifice that "I'm not indicting the president one bit."
  44. Kessler, "'Tactical Errors' Made in Iraq, Rice Concedes," A1.
  45. White, "Rumsfeld Challenges Rice on 'Tactical Errors' in Iraq," A21.
  46. US Department of Defense, "Radio Interview with Secretary Rumsfeld with Scott Hennen, WDAY Radio, Fargo, N.D."
  47. Newbold, "Why Iraq Was a Mistake," 42.
  48. O'Brien, "American Morning: Top Retired Military Officials Call for Rumsfeld to Resign."
  49. US Department of Defense, "DoD News Briefing with Secretary Rumsfeld and Gen. Pace from the Pentagon," 11 April 2006.
  50. US Department of Defense, "DoD News Briefing with Secretary Rumsfeld and Gen. Pace from the Pentagon," 18 April 2006.
  51. White House Office of the Press Secretary, "Press Briefing by Scott McClellan," 13 April 2006.
  52. For an example of media coverage, see Ricks, "Rumsfeld Rebuked by Retired Generals, Ex-Iraq Commander Calls for Resignation," A1.
  53. Rutenberg and Mazzetti, "Rumsfeld Gets Robust Defense from President," A1.
  54. White House Office of the Press Secretary, "President Expresses Full Support, Appreciation for Defense Secretary Donald Rumsfeld."
  55. Rutenberg and Mazzetti, "Rumsfeld Gets Robust Defense from President," A1.
  56. For an example of the popularity of the phrase, see Stolberg, "The Decider," section 4, pg. 4. Among Stolberg's observations: "The Decider struck the national funny bone. On the Internet, it was memorialized to the tune of 'I am the Walrus,' by the Beatles. ('I am me and Rummy's he. Iraq is free and we are all together.')
  57. White House Office of the Press Secretary, "President Bush Nominates Rob Portman as OMB Director and Susan Schwab for USTR."
  58. Starr, "The Situation Room: Bush Coming to Rumsfeld's Defense." This author was unable to find on line a verbatim transcript of the entire interview. Air Force historians may wish to request a complete videotape or transcript directly from CNN.
  59. Matthews, "Hardball for April 14, 2006."
  60. Fox News Channel, "FNC Bios."
  61. Crosby et al., "In Defense of Donald Rumsfeld," A16.
  62. Cooper and McIntyre, "Anderson Cooper 360 Degrees: Shake-Up in the West Wing."
  63. Schieffer, "Face the Nation, Sunday, April 23, 2006."

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64. Barnes, "Webb Urges Tax Cut for Veterans; Democrat Endorsed by Antiwar Lawmaker, Retired Generals," B6 and US Marine Corps, "Official Biography for Frank E. Petersen."
  65. Pyatt and Smith, "Generals Zinni, Newbold, Petersen and Rep. Murtha Endorse Jim Webb for Senate."
  66. Bush-Cheney 2000, "Secretary Cheney Announces Vice-Chairs for Veterans for Bush-Cheney National Coalition."
  67. Matthews, "'Hardball with Chris Matthews' for May 22."
  68. Amos, "Weekend Edition: Iraqi Soldier Completes U.S. Army Ranger Training," and US Military Academy, "Biographic Summary of General Barry R. McCaffrey, USA (Ret.)."
  69. McCaffrey to Meese and Jebb, memorandum.
  70. Amos, "Weekend Edition: Iraqi Soldier Completes U.S. Army Ranger Training."
  71. White House Office of the Press Secretary, "President Bush and Prime Minister Tony Blair of the United Kingdom Participate in Joint Press Availability."
  72. US Department of Defense, "Television Interview with Secretary Rumsfeld on the CNN's 'Larry King Live.'" In responding King's question about "the six generals," Rumsfeld mentioned that one was "running for president;" that was likely a reference to Gen (ret) Wesley K. Clark, USA, who was not one of "the six" as recognized by many in the media and studied in this paper. For a critical look at Clark's 2004 presidential bid, see Bacevich, *The New American Militarism: How Americans Are Seduced by War*, 61-2.
  73. Cooper, "Anderson Cooper 360 Degrees: Can President Bush Unite Republican Party?"
  74. For recent coverage of Haditha, see White, "Death in Haditha: Eyewitness Accounts in Report Indicate Marines Gunned Down Unarmed Iraqis in the Aftermath of a Roadside Bombing in 2005."
  75. For coverage of Haditha from May 2006, see Ricks, "Coverup of Iraq Incident By Marines Is Alleged."
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  99. "Time for Rumsfeld to go," *AirForceTimes.com*.
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  103. Couric, "CBS Evening News: Retired Major General John Batiste discusses Donald Rumsfeld."
  104. Inskip, "Morning Edition: Former Gen. John Riggs on Rumsfeld's Military."
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## **Chapter 3**

### **Comparisons to Law and Theory**

In assessing the propriety of the actions of the six retired generals, the first standard to consider is legality, which this paper will assess by examining the applicability of various statutes to these circumstances, drawing careful distinctions between restrictions on the conduct of active duty officers as opposed to retirees. It will then survey two classic works on civil-military relations for suggested standards of behavior for retired general officers based on theory and analogous cases from the past. Several of today's most prominent theorists of civil-military relations are on record with their views regarding the activities of the six retired generals; their views will also receive a close look in these pages.

#### **Law**

Officers are prohibited by law from speaking ill of selected public officials, as outlined in section 888 of title 10 of the US Code (10 USC 888), which also constitutes article 88 of the Uniform Code of Military Justice (UCMJ): "Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Homeland Security, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct."<sup>1</sup> Note that while this provision does not apply to enlisted members, it also does not draw any distinction between officers on active duty

and those in another status. Although the applicability of this section to retirees is the subject of further analysis below, and while none of the other six retired generals were quite as colorful in condemning Rumsfeld as was Batiste in his "chicken feces" remark, it reasonable to say that simply calling for the resignation of the Secretary of Defense, as each of the six did on at least one occasion, might be construed as "contemptuous speech."

Guidance on political activities places strict limits on the active force. The statutory prohibition on holding a partisan elective office (10 USC 973) specifically applies to "officer(s) of an armed force on active duty."<sup>2</sup> Similarly, departmental policy by its very title--DOD Directive (DODD) 1344.10, *Political Activities by Members of the Armed Forces on Active Duty*--targets those on active service.<sup>3</sup>

In delineating the persons subject to the UCMJ, article 2 (10 USC 802) lists "Retired members of a regular component of the armed forces who are entitled to pay" as being among those "persons subject to this chapter."<sup>4</sup> Although this appears to offer the military some flexibility in potential prosecution of retirees under the UCMJ, including those guilty of violating article 88, past policy (DODD 1352.1, *Management and Mobilization of Regular and Reserve Retired Military Members*, 2 March 1990) stated that "A retired member may not be involuntarily ordered to active duty *solely* for obtaining court-martial jurisdiction over the member" (emphasis added).<sup>5</sup> This would not preclude UCMJ action should the member be brought back to active duty for other reasons as allowed in the directive and the statute from which it is derived, 10 USC 688.<sup>6</sup> Interestingly, the latest version of DODD 1352.1 (dated 16 July 2005) omits the phrase quoted above, but this was merely one sentence from a section of nearly five continuous pages excised prior to publication of the new guidance.<sup>7</sup> Despite the change in declarative policy, there is no indication that the DOD would break with past



precedent by recalling a retired member to active service for prosecution under the UCMJ based on any activity described in this paper.

## **Classical Theorists**

### **Samuel P. Huntington**

As have countless earlier studies of civil-military relations, this paper turns for its first theoretical comparison to Dr. Samuel P. Huntington, professor of government at Harvard University, and his classic work, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. Huntington's preferred method of maintaining civilian control of the military was "objective control," which safeguards both the effectiveness of the military and its subordination to civilian leadership by simultaneously maximizing the military's professionalism and isolating it from politics.<sup>8</sup> Based on certain fundamentals of his theory as well as some of his specific examples, one can conclude Huntington, or Huntington as represented in *The Soldier and the State*, would criticize the behavior of civilian leaders as well as the generals.

Tabling for the moment the fact that the generals in question are retired, retirement being a specific circumstance Huntington only briefly touches on, it's worth considering some situations which, to his mind, might bring the value of military obedience into conflict with non-military values. The four values potentially in opposition to such obedience were: political wisdom; military competence (when threatened by a political superior); legality; and basic morality. Addressing the second of these, Huntington felt that "the existence of professional standards justifies military disobedience" on occasions "when the statesman enters military affairs;" he offered the example of Hitler's direction of battalion-level movements as the sort of situation which would warrant military disobedience.<sup>9</sup> Incidents in which Rumsfeld delved into the

details of military operations, such as his management of the TPFDD process,<sup>10</sup> likely constituted the sort of interference which the professor would place in this category. In fact, given that he would condone "disobedience" in the face of such secretarial conduct, not only would Huntington support the retirees for speaking out against Rumsfeld's actions, he might have faulted the active military for not contesting the intrusions more vigorously. He would also be pleased with Swannack's characterization of the idealized division of labor between civilian and military leaders: the secretary should provide "only the strategic objectives (generals are) supposed to achieve, the policy decisions necessary to bring about those objectives and then funding for the war."<sup>11</sup>

Huntington recognized the particular dilemma confronting military leaders in their dealings with Congress, describing the service chiefs' testimony on the budget as "an annual psychic crisis." The professor hoped--naively, perhaps--for a carefully balanced relationship between the uniformed military, the administration, and the legislature: "Military professionalism and objective civilian control become impossible if the administration punishes officers for presenting their professional opinions to Congress, if congressmen insist upon using soldiers to embarrass the administration, or if the soldiers stray beyond their field of expertise into those of politics and diplomacy."<sup>12</sup>

Huntington cited as a decidedly negative example the hearings conducted by a subcommittee of the Senate Judiciary Committee in 1954 which focused on the Truman administration's actions in the Korean War. The group was known as "the Jenner committee" in recognition of its chairman, William E. Jenner, Republican of Indiana.<sup>13</sup> The hearings featured five retired three- and four-star officers who served as commanders in the theater, most prominent among them Gen (ret) Mark W. Clark, USA, former CINC of Far East Command and

United Nations (UN) Command. As expressed in their report, the subcommittee concluded that the retired commanders shared "a feeling of unease because victory was denied, a sense of frustration and a conviction that political considerations had overruled the military."<sup>14</sup> These hearings, then, ran afoul of Huntington's criteria for balance among the military, the civilian executive, and the legislature in at least two ways: the members of the Republican controlled subcommittee called before them the retired generals for purposes that clearly included embarrassing the previous Democratic administration; and the generals publicly contested the President Harry S. Truman's political judgment to pursue the limited war aim of securing South Korea, foregoing a complete "victory" such as the US attained in World War II.

Huntington used these 1954 hearings as a convenient source for summarizing the attitudes of the generals, and, writing during the Eisenhower administration, assumed his audience would be familiar with the events of the 1952 presidential election, including the contribution of general officer dissent to the campaign. For example, he mentions in passing "the Van Fleet letter,"<sup>15</sup> a four-word reference to a memorandum from Lt Gen James A. Van Fleet, USA, CG of the Eighth Army, to another general officer suggesting a doubling of the South Korean army as a way to reduce US troop levels. Eisenhower obtained a copy of the letter read it in a campaign speech.<sup>16</sup> Huntington's conclusions comparing the Korean War era to the distant past are more readily followed by the modern reader: "The extent to which the generals as a group of field commanders were out of sympathy with the policy of the government probably had few precedents in American history. Even in the Civil War there was never the unanimity of dissent manifested in Korea;" "the public sided with the generals;" and the 1952 election marked "the first time that public resentment of the conduct of a war contributed to the ousting of a party in power."<sup>17</sup>

In 1968, a little more than a decade after the publication of *The Soldier and the State*, public resentment over the conduct of the war in Southeast Asia would drive another change of party in the White House. A similar outcome loomed in 2004, but Bush successfully won a second term only to see his party lose its 12-year grip on Congressional power in 2006, an election season dominated by debate on Iraq and reminiscent in many ways of 1952. While Huntington might smile on the six retired general officers for publicly highlighting the incursion of Rumsfeld on "military affairs" in wartime, the appearance of Batiste and Eaton before the explicitly partisan Senate Democratic Policy Committee would draw his censure, as would the statements by Batiste, Eaton, Zinni, and Newbold expressing common cause with Democratic Congressional candidates. And regardless of the speaking forum, any one of a number of the retirees' comments venturing into politics and diplomacy (e.g., Batiste on the need to mobilize the population and Zinni on the need for foreign economic development) would cross Huntington's bounds of propriety. As for the professor's belief that an administration shouldn't punish military witnesses for expressing professional opinions before Congress, this administration's rebuke of Shinseki will long stand as a prime example of how failure to heed this advice can serve to create a military martyr.

### **Morris Janowitz**

*The Professional Soldier: A Social and Political Portrait* by Dr. Morris Janowitz still stands as an indispensable study of civil-military relations some 47 years after its original publication. The views of the late Dr. Janowitz, a professor of sociology at the University of Chicago, differed sharply with those of Huntington. Janowitz believed the ideal professional soldier would be "integrated into society because he shares its common values."<sup>18</sup> Education, for example, was one way to promote such integration, and Janowitz faulted the military of his day

for failing "to give the officer a full understanding of the realities of practical politics as it operates in domestic affairs."<sup>19</sup> Huntington's opinion was just the opposite, faulting the curriculum of the National War College, which, in his estimation, taught "military officers to arrive at their own conclusions concerning political and economic issues." Huntington felt this was a danger because it would lead to a dilemma: "To what, or, more significantly, to whose political ideas were the officers to adhere?"<sup>20</sup>

Janowitz created the concept of military managers, heroic leaders, and technologists as a framework for the skill sets collectively needed by professional soldiers.<sup>21</sup> If one redefines technologists to include those experts now subscribing to the revolution in military affairs and its successor concepts, rather than the high priests of nuclear weapons that troubled Janowitz, his cautions take on new resonance in light of the events of the past four years. Janowitz worried about the "pressure to perfect weapons" on the part of the technologist and the inability to assess "the political consequences of limited military actions which do not produce 'victory'" on the part of the heroic leader.<sup>22</sup> In the context of the Iraq conflict, these fears manifested themselves in the attitudes of Rumsfeld and his civilian subordinates, whose direction produced a campaign that was a technological triumph and political disaster. Although the military can be guilty of irrational technological exuberance, the irony is that the worst such excesses in Iraq were widely attributed to civilian leaders,<sup>23</sup> not the military as Janowitz anticipated.

Janowitz also considered the military's political indoctrination procedures as a "problem" requiring attention in order to maintain sound civil-military relations. The military career of Gen (ret) Colin L. Powell, USA, former Chairman of the Joint Chiefs of Staff, might have justified Janowitz's worry that the "professional officer may come to exaggerate his competence in judging alternative political goals." However, the Powell doctrine and its enshrinement by Eaton

and others create a problem quite the opposite of Janowitz's admonition that military might not "sufficiently emphasize the limits on violence in influencing international relations."<sup>24</sup>

Arguably, the Powell doctrine instead represents a policy that limits the conditions for the use of force to an extent that it unnecessarily curbs the legitimate choices of political leaders.

Despite departing from Huntington by promoting political awareness among military leaders, Janowitz nonetheless emphasized the need for "administrative neutrality," at least among those officers on active duty.<sup>25</sup> One method to enforce this neutrality was through "the formulation by both Congress and the executive branch of acceptable limits for pressure group activities and domestic public information activities of the armed forces."<sup>26</sup> Riggs' denigration of the DOD's budget priorities before an AUSA crowd--while the general was still on active service--would have most surely drawn a scowl from Janowitz, given the professor's requirement for neutrality and his disdain for the "propaganda technique(s)" of professional associations such as AUSA and the Air Force Association.<sup>27</sup>

Describing the history of the participation of retired officers in partisan activities, Janowitz said that "Professional honor has inhibited direct involvement in politics." He went on to cite Gen of the Army (ret) Omar N. Bradley, USA within the following quote: "It is typical for generals to advise one another that 'the best service a retired general can perform is to turn in his tongue along with his suit and mothball his opinions.'"<sup>28</sup> But the professor noted favorably the differing tradition of the United Kingdom: "The British officer, compared to the American, is more fully integrated into the fabric of society. As a retired officer he can be active in conservative politics, and such activity is compatible with civilian supremacy." Janowitz noted, but did not censure, the guidance provided by retired generals Clark and Van Fleet--part of the "extreme right wing of military leaders"--to the group Pro-America.<sup>29</sup> Thus, although there are

several recent trends in the evolution of the military and its civilian leadership that Janowitz would criticize, he would have adjudged the six retired generals as being free to speak out and even participate in partisan venues. By taking advantage of this freedom, the retirees would promote the sort of civil-military integration that Janowitz ardently advocated.

## **Modern Theorists**

### **Eliot A. Cohen**

Dr. Eliot A. Cohen, professor of strategic studies at the Johns Hopkins University, proposed an alternative to Huntington's theory of objective control in his book *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime*. In Huntington's reading of *On War* by Carl von Clausewitz, the Harvard professor concluded that "The fact that war has its own grammar requires that the military professionals be permitted to develop their expertise at this grammar without extraneous influence."<sup>30</sup> By contrast, Cohen's bottom line on Clausewitz was that the smallest detail of war might have political significance, so "the statesman may legitimately interject himself in any aspect of war-making, although it is often imprudent for him to do so."<sup>31</sup> Cohen spent the majority of the book examining the leadership of Abraham Lincoln, Georges Clemenceau, Winston Churchill, and David Ben-Gurion in an attempt to show that they correctly identified elements of war with political impact and that their control of these details was instrumental in the wartime success of their nations.

Originally published in hardcover in the summer of 2002, *Supreme Command* appeared in paperback in September 2003 with a new afterword on "Rumsfeld's War." In this chapter, Cohen built a case that aspects of Rumsfeld's behavior that critics described as "micromanagement" or "bullying" were in fact examples of productive, insightful, and probing

questioning on a par with that practiced by the supreme commanders he discussed earlier in the book. He portrayed a high level of trust among Rumsfeld, Myers, and Franks, observing that the three "all stoutly supported the pattern of civil-military relations in this war." Approving of the substance of the secretary's Iraq decision making as well his inquisitiveness, Cohen did not specifically mention Shinseki's testimony on the requirements for an occupation force and he waved away the concerns of those who called for more troops: "In retrospect, the criticism looked like mere carping."<sup>32</sup> Nearly four years later, such dismissiveness strikes this author as mere hubris.

Cohen delivered the 26th Ira C. Eaker Distinguished Lecture on National Defense Policy at the US Air Force Academy on 3 May 2004. In offering his prepared remarks, titled "The Development of the Professional Officer in the Twenty-First Century," he posed a general critical question about the propriety of a recently retired four-star officer endorsing a presidential candidate or denouncing the administration, but did not delve into a specific historical event. Responding to a question, the professor said that the secretary "is a more complicated figure than he is made out to be. He is in some ways obviously quite assertive. On the other hand...he hasn't fired many generals." As to the president, the professor conceded that Bush "does not seem to have engendered the kind of debate among his subordinates (that) the people that I talk about in the book did."<sup>33</sup>

Given his views in *Supreme Command*, it's not surprising that Cohen took the opportunity to strongly condemn the six retired generals in a 22 April 2006 editorial in *The Wall Street Journal* titled "Honor in Discretion." His opening salvo was his weakest, describing the generals' criticism of troop levels as "a trope from April 2003" and the idea that the administration ignored the Powell doctrine as "vague." One might wonder at this point if the professor has noticed that



even the incumbent administration has seemingly, at this late date, bought into the "trope," and, regardless of the efficacy of the Powell doctrine, what he finds "vague" in the arguments of the six retired generals regarding the doctrine or in the Iraq war views of Powell himself.

Despite this shaky start, Cohen cited in quick succession some quite valid critiques of the comments made by the generals (as of the time of the professor's writing): "no fellow generals held to account by name, scant acceptance of personal responsibility for what went awry on their watch, little repudiation of contrary statements made on active duty." He then confronted directly their call for the secretary to resign: "For recently retired general officers to publicly denounce a sitting secretary of defense is wrong, destructive of good order and discipline in the armed forces, and prejudicial to functional civil-military relations. It is not the same thing as speaking candidly before Congress, telling all to civil or military scholars collecting oral histories, or indeed writing one's own memoirs after the heat of contemporary passions has cooled, and the individuals in question have left public office. Rather, this kind of denunciation means leaping into a political fight, and tackling the civilians still charged with the nation's defense."

Cohen went on to explain some of the specific problems resulting from the actions of the retired generals. In the professor's opinion, their call for Rumsfeld's departure would actually preclude it, since no president could be seen as surrendering a group of military officers. Cohen also maintained that "Retired generals never really leave the public service--that's why, after all, we still call them 'general'" and, extending that train of thought, he explained that the partisanship of the retirees would erode public confidence in all general officers. He noted that politicians would, in the future, worry that generals might turn on them immediately upon retirement, and, consequently, civilian leaders would be tempted "to promote flunkies

over...prickly but able officers."<sup>34</sup> (A contrary argument, the reader may wish to recall at this juncture, is Eaton's contention that Rumsfeld "wants fealty. And he has hired men who give it."<sup>35</sup>)

Cohen's conclusion calls to account both civilians and officers: "Again, the civilians brought us to this, and in particular politicians of both parties manipulating soldiers as campaign props, and using disgruntled generals to badmouth a president of the opposing party. Democrats and Republicans alike have behaved disgracefully--and the generals are the only ones who can limit the damage. It remains up to them, no matter what, or how well grounded, their dismay about civilian leaders, to grit their teeth and maintain an honorable and discreet silence, leaving it to those whose responsibility it is--the president, the Congress and ultimately the voters--to decide whether and when a secretary of defense (is) to leave his office."<sup>36</sup>

### **Andrew J. Bacevich**

Dr. Andrew J. Bacevich, a professor of international relations at Boston University and retired Army colonel, is the author of *The New American Militarism: How Americans Are Seduced by War*. Writing in 2005, Bacevich characterized modern U.S. security policy as being in the grip of "Wilsonians Under Arms" and found Americans--politicians, the military, and the public--too eager to employ military power to promote liberal democratic values in foreign lands. Among the ten recommendations he made to correct this situation are: a return to the intent of the founding fathers to "provide for the common defense," rather using force as a tool to spread liberty around the globe; a revitalized separation of powers, with Congress assuming a stronger role; reviving the citizen-soldier concept by encouraging people from privileged backgrounds to serve; and bringing the professional military closer to American society.<sup>37</sup>

Regarding the last point above, not only did Bacevich echo Janowitz's ideas concerning integration, he went out of his way to challenge Huntington's notions regarding: professionalism ("doctors and lawyers have discovered that the traditional model of a self-governing and autonomous profession is no longer viable"); the distinctness of the military sphere ("The idea that war and politics constitute two distinct and separate spheres has always been a fiction"); and the utility of military academies. Interestingly, although he did not mention Janowitz or Huntington in his analysis--neither was included in the index--Bacevich closed his book by disparaging West Point's separateness from civil society, an unmistakable allusion to--and rebuttal of--the memorable final pages of *The Soldier and the State*.<sup>38</sup>

Bacevich documented earlier calls for Rumsfeld's resignation from two retired generals: Zinni, whose appearance on "60 Minutes II" in May 2004 this paper noted in the previous chapter; and Gen (ret) Merrill A. McPeak, USAF, a former Chief of Staff of the Air Force. Mr. John Gibson also interviewed McPeak on the FNC television program "The Big Story with John Gibson" on 17 May 2004. The former chief referred to Rumsfeld and his civilian subordinates as "the most arrogant group that anybody can remember" in the Pentagon and believed that "if, in fact (Rumsfeld) is responsible for what was going on in (Abu Ghraib) prison, as he says he was, then he should resign, obviously. He's done more damage to the country than we will recover from in 50 years."<sup>39</sup> Bacevich described the behavior of Zinni and McPeak as an attempt to ensure that blame for failures in Iraq fell to civilian leaders rather than the military, and compared them to a previous generation of generals who similarly targeted former Secretary of Defense Robert S. McNamara.<sup>40</sup>

Bacevich turned his attention to the six retired generals in an editorial titled "Generals Versus Rumsfeld" that was published in *The Los Angeles Times* on 15 April 2006. Drawing a

similar conclusion regarding the motivation of the six as he did regarding Zinni and McPeak, Bacevich said that "By pointing fingers at Rumsfeld, the generals hope to deflect attention from the military's own egregious mistakes." The professor challenged Newbold's Constitutional justification for speaking out by comparing him to another retired officer, Gen of the Army (ret) Douglas MacArthur, USA.<sup>41</sup> Addressing the Massachusetts legislature not long after being relieved by Truman, MacArthur said that "I find in existence a new and heretofore unknown and dangerous concept that the members of our armed forces owe primary allegiance and loyalty to those who temporarily exercise authority of the executive branch of the government, rather than to the country and its constitution which they are sworn to defend."<sup>42</sup> Citing this quote in part, Bacevich concluded: "Wrong in 1951, MacArthur's theory is equally wrong today. To grant even the most narrowly drawn exceptions to the principle of civilian control is to open up a Pandora's box of complications."

(Writing fifty years ago, Huntington offered some additional context for MacArthur's defense by pointing out that American officers of the general's day were well aware that the Nuremberg proceedings condemned German generals for failing to recognize that they had a "higher loyalty" which should have compelled them to disobey the Nazi regime.<sup>43</sup> But Huntington also believed that it was the military's duty to turn to the courts in all but the most time-critical situations to resolve legal conflicts with superiors.<sup>44</sup>)

In his *Times* piece, Bacevich went on to suggest that the way to "restore some semblance of civil-military effectiveness" is through action in "the political realm," which is to say action on the part of the legislative branch. He recommended that the Congress convene a joint commission to investigate the conduct of the Iraq war, which would provide a venue for the retired generals to make their case against Rumsfeld while "also accounting for the military's

performance." Bacevich also recognized that "An effective partnership between the brass and their civilian masters implies balance. When it comes to conducting the fight, politicians ought to allow their generals a certain autonomy. When it comes to defining a war's purpose, the generals must recognize that the authority of the politicians is supreme." Thus, despite his near rejection of the concept of professional autonomy in *The New American Militarism*, Bacevich revived it in his editorial in a formulation that hedges only slightly on Huntington's fundamental thesis. Bacevich also mentioned professionalism explicitly in the closing lines of his opinion piece, saying that the six retired generals would do best to imitate the post-retirement behavior of Shinseki, whose "silence is a rebuke more telling than any words he might speak. And it offers a model of true military professionalism as well."<sup>45</sup>

### **Richard H. Kohn**

Dr. Richard H. Kohn is a professor of history at the University of North Carolina (UNC) at Chapel Hill and former Chief Historian of the Air Force. He generated much attention in 1994 with an article for *The National Interest* titled "Out of Control: The Crisis in Civil-Military Relations." Although he later claimed that the magazine's editors selected the term "crisis" for the title and that he was "never comfortable" with that phrase, he and other like minded critics came to be known as the "crisis school."<sup>46</sup> Kohn's paper catalogued a variety of incidents dating to the dawn of the Cold War that contributed to what he believed was as a decline in civil-military relations, but it was his assessment of the stormy early years of the presidency of William J. Clinton--especially the controversies regarding homosexuals in the military and the use of force in Bosnia--that gave his article particular resonance with the defense establishment, academia, and the media.<sup>47</sup>

Nearly a decade later, Kohn updated his thesis in a 2002 article for *Naval War College Review* titled "The Erosion of Civilian Control of the Military in the United States Today." Taking care to explain up front that he did "not see any crisis" in civil-military relations, Kohn identified four major changes in the military over the previous 40 years that contributed to the erosion of civilian control: the tendency of the services to unite in opposition to civilian choices, as opposed to simply quarreling with each other; the expansion of the range of issues in play from problems narrowly focused on the military to a broad spectrum of national security and foreign affairs challenges; the evolution of the role of military leaders from private advisers to public advocates; and, reiterating a major theme of Janowitz, the acceptance of a large peacetime military establishment that is itself increasingly separate from society and increasingly powerful as an interest group.<sup>48</sup>

Discussing his concerns about political partisanship on the part of retired officers, Kohn specifically cited the endorsement of presidential candidates by retired generals and admirals as a particular problem, especially when the flag officers in question were four-stars, "for everyone knows that four-stars never really retire." In the professor's view, these endorsements posed dangers such as: encouraging partisanship among those still on active duty; undermining the confidence of civilian leaders in the loyalty and discretion of serving military leaders; and possibly motivating civilian leaders to select officers for senior posts based on their pliability or political views rather than their excellence or candor. Kohn summed up by saying that "No one questions the legal entitlement of retired officers to run for office or endorse candidates. But these officers must recognize the corrosive effects on military professionalism and the threat to the military establishment's relationship with Congress, the executive branch, and the American

people that such partisan behavior has. Possessing a right and exercising it are two very different things."<sup>49</sup>

Kohn observed several times in his *Review* piece that civilian control is "situational," meaning it is "not a fact but a process...dependent on the people, issues, and the political military forces involved." In closing, one of his conclusions was "That civilians in the executive and legislative branches of government over the last generation bear the ultimate responsibility" for the weakening of civilian control. But he implored the officers to do their part, too, suggesting that they "actively encourage civilians to exercise their authority and perform their legal and constitutional duties to make policy and decisions." And in contrast to the argument MacArthur made and Newbold would later echo regarding an officer's oath, Kohn asserted that "Because civilian control pervades the Constitution, the oath is a personal promise to preserve, protect, defend, and support civilian control, in actual practice as well as in words. The requirement for such an oath was written into the Constitution for precisely that purpose."<sup>50</sup>

Mr. Scott Shane interviewed Kohn for an article that appeared in *The New York Times* on 16 April 2006. While sympathetic to the "dam of anger and frustration" that built up in the six retired generals, he nonetheless disapproved of their behavior because "It's not the military that holds the civilian leadership accountable." Rather, he said, "It's Congress, the voters, investigative journalists. Things have been turned upside down here." The professor was particularly concerned with Newbold's assertion in his *Time* magazine piece that he wrote "with the encouragement of some still in positions of military leadership." He found the general's claim to be "a fairly chilling thought...because they're not supposed to be undermining their civilian leadership."<sup>51</sup>

## **Peter D. Feaver**

Dr. Peter D. Feaver is a professor of political science at Duke University and a lieutenant commander in the Naval Reserve. The Bush administration brought him to the National Security Council as a consultant in 2005,<sup>52</sup> which likely explains why he has not offered a public opinion concerning the actions of the six retired generals. He and Kohn edited *Soldiers and Civilians: The Civil-Military Gap and American National Security*, a 2001 work which culminated their efforts through the late 1990s as the leaders of a project sponsored by the Triangle Institute for Security Studies, a consortium of faculty from UNC, Duke, and North Carolina State University. Among the many decades-long trends they and their colleagues documented were the increasing affiliation of the officer corps with the Republican Party and the development of a belief among officers that their role is to insist on policies related to the use of force, rather than merely advise civilian leaders on such matters. Writing just after the 2000 election, Feaver and Kohn could not predict the specific events that would lead to civil-military tensions during the Bush presidency, but they did not believe that the ascension of a Republican administration would serve as a palliative simply because of the military's affinity for the victorious party.<sup>53</sup>

A more recent book by Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*, was published in 2003. In this ambitious work, the professor advanced a new framework for civil-military relations based on agency theory, a concept originally developed by economists. In Feaver's variant of agency theory, "the civilian principal contracts with the military agent to develop the ability to use force in defense of the civilian's interests." The civilian principal then uses monitoring mechanisms and punishment to ensure the military agent works, rather than shirks, in executing civilian direction. An important factor underpinning Feaver's analysis is the notion that "In a democracy, civilians have the right to be wrong. Civilian political leaders have the right to ask for things in the national security realm that are



ultimately not conducive to good national security. The military should advise against such policies, but the military should not prevent those policies from being implemented."<sup>54</sup> Given this central tenet of Feaver's system, it's difficult to believe he'd support the retired generals in their dissension.

One of Feaver's key conclusions is that the policy costs of intrusive civilian monitoring of the military are low during times when the security threats facing the country are significant, such as the period of the Cold War. He recognized that this ran counter to the thinking of Huntington and others, in that "Traditional treatments of civil-military relations hold that the costs of civilian micromanagement are severe. Because civilians are inexperienced, their interventions are likely to be counterproductive; because military operations are so complex, intrusive monitoring is likely to be a dangerous distraction." The professor conceded, however, that "To my knowledge, no one has done a systematic test of the hypothesis that civilian intrusive monitoring incurs high policy costs."<sup>55</sup> The events of the past four years might provide Feaver with the impetus to reconsider his original conclusion and pursue additional systematic study of the issue.

### ***Armed Forces Journal Roundtable***

Mr. Thomas Donnelly, editor of *Armed Forces Journal (AFJ)* and resident fellow of the American Enterprise Institute, conducted a "roundtable on the state of American civil-military relations" via e-mail with Bacevich, Cohen, and Kohn in late April 2006. Joining them were Dr. Thomas Keaney, a retired Air Force colonel and colleague of Cohen's at the Johns Hopkins University, Mr. Michael G. Vickers, a veteran of the Army and the Central Intelligence Agency now working as an executive at the Center for Strategic and Budgetary Assessments, and Col

(ret) Robert B. Killebrew, USA, who once served as director of the Army After Next study. *AFJ* published an edited version of their electronic dialogue in June 2006.

Kohn opened the panel with a summary of the issues which motivated the six retired generals to speak out: Rumsfeld's "intimidating" style, the Iraq war, and transformation. On an emotional level, he described the actions of Batiste, Eaton, Newbold, Riggs, and Swannack as "a tortured cry of anger, guilt and professional impropriety from five men who served this administration." He described Zinni as feeling "apparently burned by the administration's incompetence, wrongheadedness and policies--and by his own support, when he retired in the fall of 2000 and immediately endorsed George W. Bush for president, hardly a moment after hanging up his uniform."

Cohen took a broader view, suggesting many developments over the past sixty years contributed to recent events, including: the military's deep resentment of civilian leadership following Vietnam; a breakdown in the norms of professional conduct resulting from the integration of the military into foreign policy decision making during the Cold War; the military's treatment of the Clinton administration; the Army's resentment of Rumsfeld's transformation agenda, especially because it was perceived as favoring the Navy and Air Force; Army stress induced by its involvement in counterinsurgency and peacemaking operations, as opposed to its traditional conventional missions; and a desire to insure that civilian leadership shared in the blame for Iraq. As to what course of action a disgruntled should have pursued, Cohen suggested that "a general should execute bad orders, but if he felt that his opposition was such that he could not execute it effectively, he should have resigned and gone quietly into the night--and write a ferocious memoir after the administration was out."

Vickers, a former special operations officer, was not sympathetic to those he perceived to be speaking for the conventional forces: "I think the conventional forces loved the idea of Iraq, just not the way it's turned out. The way the war was successfully conducted in Iraq was very threatening to land-based fighter aircraft and large ground forces. Iraq was designed to show the other, preferred way regime change could be effected." Specifically addressing the six retired generals, he said that "I don't think there has been or is unbearable stress on our ground forces. There is stress, to be sure, but nothing that would justify the behavior of the six generals who've called for the secretary of defense's resignation."

Bacevich seemed to reflect the sentiments of his fellow panelists in stating that "the generals in revolt are clearly wrong." However, he said that, "Were I called upon to mount a defense on their behalf," he'd argue that the retirees performed a "public service" in promoting debate on the conduct of a failing and costly war. Bacevich suggested that added justification might be that "the people chiefly responsible have been either re-elected or promoted or awarded Medals of Freedom to go along with their hefty book advances and fat speaking fees." He also cited the failure of Congress "to force some sort of corrective action."

Although he characterized the "somewhat focused policy difference" highlighted by the six retirees as "less serious" than the problems with civil-military relations in the early years of the Clinton administration, Kohn countered Bacevich's proposed "public service" defense by arguing that: it isn't up to the military to hold elected and appointed civilian leaders accountable; the formal mechanisms for accountability, elections, operate only at stated, periodic times; polls have emerged as a new mechanism of accountability; and the potential public service rendered by the generals would not "compensate for a bold violation of professionalism, the consequences of which undermine civilian control, extend and increase the politicization of the American

military in violation of one of its most sacred--and crucial--traditions, and poison civil-military relations for those presently serving in government, both civilian and military."

Commenting on the fact that no admirals or Air Force generals joined the chorus of six Army and Marine Corps generals, Keaney observed that airmen speak out when an issue more directly impacts them. He cited the example of Air Force complaints about bombing restrictions during the Kosovo campaign of 1999, and noted further that "not many Army or Marine generals even noticed" that fuss. Killebrew brought up the notion that retired generals are different from retirees of lower ranks: "If a retired colonel unloads on his active-duty boss, he can do so because he is no longer under the Uniform Code of Military Justice, but who cares? The foundations of civil-military relations are hardly shaken. But when a retired senior flag goes after Secretary Rumsfeld, then the fat goes into the fire, the cops are called and the pundits begin to shake the foundations of power."<sup>56</sup>

### **Other Commentators**

Aside from noting the emergence of the six retired generals as a distinct group in the eyes of the media and documenting the media appearances of the generals themselves, this paper has not explored the remarkably extensive coverage of their actions and of the administration's behavior by journalists and commentators outside of academia. Although defining the extent of the media's attention to these events is beyond the scope of this paper, remarks by two noted pundits on the "year-end awards" segment of the syndicated television program "The McLaughlin Group" offer some perspective on the impact of the retired generals. Asked by Mr. John McLaughlin to name "the most honest person" of the year, Mr. Lawrence O'Donnell of MSNBC chose "The group of retired generals who came out against the Bush policy in Iraq."<sup>57</sup> For her choice in the "most defining political moment" category, Ms. Eleanor Clift of *Newsweek*

identified "The midterm elections, which have changed the political landscape and changed the way we're looking at the war in Iraq; also the revolt of the generals, led by Major (General) John Batiste, who had led the First (Infantry) Division in Iraq, who blew the whistle on Rumsfeld and again transformed the debate on Iraq."<sup>58</sup>

Gen (ret) Charles G. Boyd, USAF, former Deputy CINC of US European Command (EUCOM),<sup>59</sup> made the six retired general officers--actually, seven by his count, although he did not name them--the focus of his graduation remarks to the Air War College on 25 May 2006. Boyd found their call for the secretary's resignation as both impractical, because the president could not afford to be seen as caving in to their demands, and unprofessional, because it compromised the perceived "purity" of the military's motives through politicization. In assessing the courses of action open to a general opposed to a "bankrupt policy," he dismissed the idea of resigning because there is no tradition of resignation in protest in this country. Unlike, say, Cohen, he did not offer the possibility of a "quiet" resignation. The only option, Boyd advised the graduates, is for the concerned military officer to tell his superior "when he or she is wrong...and if you don't you forfeit the right to criticize the flawed policy your silence helped make possible." He concluded that an officer is most effective at impacting policy "before the decisions are made...not in the TV studios and op-ed pages later, after you failed, or worse, did not try, to alter a bankrupt course of action."<sup>60</sup>

Boyd himself does not appear to have been gripped by a passion for apolitical purity immediately following his retirement. Just weeks after stepping down from his EUCOM post in 1995, *Foreign Affairs* published an article on his byline--and he was the sole author--titled ""Making Peace with the Guilty: The Truth About Bosnia." In this piece, the general condemned the Clinton administration for "watching approvingly" as the Bosnian Muslims violated a U.S.-

backed ceasefire, terming such inaction as "duplicity" that "weakened America's moral authority to provide any kind of effective diplomatic leadership." <sup>61</sup> One can't know what steps the general took while he was on active duty to combat this duplicitous "bankrupt policy," but, by publicly rebuking the administration in 1995, Boyd clearly failed to live up to the abstemious ideal regarding post-retirement media activities that he so righteously advocated in his 2006 graduation address.

## Notes

1. US Code, title 10, sec. 888, *Contempt toward officials*.
2. US Code, title 10, sec. 973, *Duties: officers on active duty; performance of civil functions restricted*.
3. DODD 1344.10, *Political Activities by Members of the Armed Forces on Active Duty*.
4. US Code, title 10, sec. 802, *Persons subject to this chapter*.
5. DODD 1352.1, *Management and Mobilization of Regular and Reserve Retired Military Members*, 2 March 1990, 5.
6. US Code, title 10, sec. 688, *Retired members: authority to order to active duty; duties*.
7. DODD 1352.1, *Management and Mobilization of Regular and Reserve Retired Military Members*, 16 July 2005.
8. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 80-5.
9. *Ibid.*, 76-8.
10. Batiste cites Rumsfeld's management of the TPFDD process in US Senate, *Planning and Conduct of the War in Iraq: Hearing before the Democratic Policy Committee*. Gordon and Trainor detail Rumsfeld's disdain for the Army's time-phased force and deployment list (TPFDL) in *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, 95-117.
11. Starr, "Retired Maj. General: 'We need a new secretary of defense'."
12. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 417-8. Huntington cited as a positive example the Senate testimony of Gen (ret) Matthew B. Ridgway, USA during his service as Chief of Staff of the Army, which "reflected an effort to find a proper path" of loyalty to both Congress and the administration of President Dwight D. Eisenhower. Others have concluded that Ridgway's behavior during this period was anything but proper; see Bacevich, "The Paradox of Professionalism: Eisenhower, Ridgway, and the Challenge to Civilian Control," 303-33.
13. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 418.
14. The other witnesses, in addition to Clark, were: Lt Gen (ret) George E. Stratemeyer, USAF, former commander of Far East Air Forces; Lt Gen (ret) James A. Van Fleet, USA, CG of Eighth Army; Lt Gen (ret) Edward M. Almond, USA, former CG of X Corps; and VADM (ret) C. Turner Joy, USN, former commander of Far East Naval Forces and senior UN delegate to the Korean Armistice Conference. See US Senate, *The Korean War and Related Matters: Report of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws to the Committee on the Judiciary*, 1-2.
15. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 391.
16. Hermes, *Truce Tent and Fighting Front*, 344.
17. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 387-91.
18. Janowitz, *The Professional Soldier: A Social and Political Portrait*, 440.
19. *Ibid.*, 429.
20. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 352.
21. Janowitz, *The Professional Soldier: A Social and Political Portrait*, 21.
22. *Ibid.*, 424-5.
23. Gordon and Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, 498-500.
24. Janowitz, *The Professional Soldier: A Social and Political Portrait*, 428-9.
25. *Ibid.*, 429.
26. *Ibid.*, 439.
27. *Ibid.*, 382-7.
28. *The New York Times*, 7 May 1957, 44. In Janowitz, *The Professional Soldier: A Social and Political Portrait*, 388-90.
29. Janowitz, *The Professional Soldier: A Social and Political Portrait*, 390.
30. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 57.
31. Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime*, 8.
32. *Ibid.*, 239-40. In opening the chapter (p. 225), Cohen asserts that he chose to look at Rumsfeld because readers of the first edition of his book wondered if his argument applied to defense ministers as well as supreme commanders. On the other hand, perhaps he chose Rumsfeld because the secretary is better known for his probity than is the president, and, thus, better conforms to the professor's thesis.

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33. US Air Force Academy, "26th Ira C. Eaker Distinguished Lecture on National Defense Policy: The Development of the Professional Officer in the Twenty First Century."
  34. Cohen, "Honor in Discretion," A8.
  35. Eaton, "A Top-Down Review for the Pentagon," section 4, pg. 12.
  36. Cohen, "Honor in Discretion," A8.
  37. Bacevich, *The New American Militarism: How Americans Are Seduced by War*, 208-24.
  38. *Ibid.*, 222 and Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 464-6.
  39. Gibson, "The Big Story with John Gibson: Rumsfeld Toughs Out Firestorm of Criticism." Ironically, McPeak was a vice-chair of Veterans for Bush Cheney in 2000. See Bush-Cheney 2000, "Secretary Cheney Announces Vice-Chairs for Veterans for Bush-Cheney National Coalition."
  40. Bacevich, *The New American Militarism: How Americans Are Seduced by War*, 65-6.
  41. Bacevich, "Generals Versus Rumsfeld," B15.
  42. MacArthur, "Text of Address by MacArthur Before Massachusetts Legislature in Boston," 12.
  43. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 353.
  44. *Ibid.*, 77-8.
  45. Bacevich, "Generals Versus Rumsfeld," B15.
  46. *Armed Forces Journal*, "Rummy & His Generals: An Armed Forces Journal Roundtable on the State of American Civil-Military Relations."
  47. Kohn, "Out of Control: The Crisis in Civil-Military Relations," 3-17.
  48. Kohn, "The Erosion of Civilian Control of the Military in the United States Today," 9 and 21-2.
  49. *Ibid.*, 28-9.
  50. *Ibid.*, 16 and 34-5.
  51. Shane, "Civilians Reign Over U.S. Military by Tradition and Design," section 1, pg. 18.
  52. Shane, "Bush's Speech on Iraq Echoes Analyst's Voice," section 1, pg. 1.
  53. Feaver and Kohn, *Soldiers and Civilians: The Civil-Military Gap and American National Security*, 459-73.
  54. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*, 54-65.
  55. *Ibid.*, 158 and 284-5.
  56. *Armed Forces Journal*, "Rummy & His Generals: An Armed Forces Journal Roundtable on the State of American Civil-Military Relations."
  57. McLaughlin, "The McLaughlin Group, Broadcast: Weekend of December 30-31, 2006."
  58. McLaughlin, "The McLaughlin Group, Broadcast: Weekend of December 23-24, 2006."
  59. US Air Force, "General Charles G. Boyd."
  60. Boyd, "Remarks by General Charles G. Boyd, USAF (Ret.): Air University Graduation."
  61. Boyd, "Making Peace with the Guilty: The Truth About Bosnia," 22-38.



## **Chapter 4**

### **Synthesis**

#### **The Public Good**

No source researched for this paper would lead one to conclude that a retired general would be subject to prosecution for speaking ill of civilian leaders, so, in the legal sense, he has the "right" to say what he pleases in retirement. The question as whether such speech is proper hinges on the balance between the good it may serve as weighed against the injury it may cause. Although there are other standards one can use in assessing propriety--justice in the court of public opinion for the reputation of a retired general, for example, is a legitimate issue despite being a personal motivation for the general concerned--the use of the impact to the *public* good is a fair standard. Even the six retired generals themselves, after all, claim to be acting in the public interest.

On the plus side of the ledger of the public good, the six retirees highlighted issues regarding the management of the DOD and conduct of the Iraq war that were worthy of public debate. Their recent experience on active duty--or, in the case of Zinni, service in the administration following his retirement from active duty--made them credible as witnesses to the inner workings of the defense establishment. If one believed in their message, then the fact that these messengers were generals was clearly beneficial, because no retired officer of a lower grade, not even the noted author T.X. Hammes, garnered as much attention as these six. The fact that the

media took note of each one individually and then identified them collectively as "the six retired generals" speaks to the power of their rank.

The public recognition of these six as generals also made them a more powerful threat to the public good when they chose to speak out--particularly when they called for the resignation of the secretary--for their behavior undermined sound civil-military relations, especially civilian control. Although the public differentiates between generals and lower ranking officers, it is less likely to draw a distinction between retired generals and those on active duty, a problem exacerbated when a retiree such as Newbold claimed to speak for those still serving. The public's confidence in the armed forces is dependent upon its belief that the military will faithfully serve the nation's elected leaders, and the actions of the six retirees did nothing to bolster that confidence. Perhaps more importantly, their speaking out could not help but sow doubt in the minds of some elected leaders as well.

Aside from the notice generated by their status as generals, the six retirees did not make contributions to the public debate on Iraq that were unique or valuable enough to outweigh their negative impact on civil-military relations. They stimulated discussion, but so did the Haditha tragedy and numerous other events, and Iraq would have been a central theme of the election season regardless of the opinions of the generals. It did not help that the nation was already running something of a civil-military relations deficit in the wake of the controversies during the Clinton administration, amplifying the harmful effects caused by these six.

Although these retirees were not justified acting as they did, there are circumstances in which it may be proper for a recently retired general officer to speak out, situations in which the public good of their speech more than offsets the damage. The rest of this section outlines such

circumstances and explains why the six retired generals failed to meet the relevant standards of propriety necessary to validate their behavior.

### **The Duty to Speak Out**

The serving officer who is convinced that government leaders, civilian or military, have directed morally reprehensible acts has a duty, not merely the freedom, to disobey those immoral orders. A retired general has a similar obligation to speak out publicly against such immoral conduct, but taking a stand in retirement poses a dilemma for the retiree: if the general witnessed truly reprehensible behavior while still on active service, he had a duty to stop it then and there. Cases rising to this level of seriousness, such as genocide, are very rare. Abu Ghraib, while tragic and a circumstance in which some soldiers should have disobeyed orders from superiors, was not a situation in which moral duty was a compelling rationale for these particular retired generals to speak out. Had one of them originally brought the whole story to light, that contribution to the public good might have outweighed the damage to civil-military relations, but none of their observations were that revelatory.

While the notion that an officer has a "higher duty" may justify disobedience on moral grounds, the officer's oath does not empower him to substitute his own Constitutional and legal judgment for that of his civilian leaders. The serving officer confronted with a potential legal quandary has recourse in the courts, which suffices for nearly all cases. Newbold and other retired generals were not justified in citing their obligation to the Constitution as a basis for speaking out.

## **The Right to Speak Out**

As mentioned earlier, a retired general has a legal "right" to speak out. Many observers, including a good many of the author's fellow Air War College students, would condition the "right" of an individual to make accusatory claims about the behavior of others on the prior behavior of the accuser, a consideration that gives rise to the belief that a retired officer is entitled to publicly criticize his former superiors only if that officer worked privately to change unwise policy while still on active duty. This principle is well founded if the officer is attempting to defend his past conduct, but is immaterial if the purpose of his speech is to inform public debate. He might be more credible in the eyes of the public if he can claim to have advocated change during internal deliberations while still in government, but his failure to do so does not preclude him from serving witness to that which he saw. In fact, if he believes what he saw was ill advised and he did not take action to change it earlier, he would be compounding his error by not speaking out later in the belief that he did not have the "right" to do so. But the absence of a requirement to have practiced in government what one later preaches in public still leaves the retired general to consider the other factors impacting the public good before speaking out, if the retired general hopes to remain within the bounds of propriety.

## **The Time to Speak Out**

Time may not heal all wounds, but it does insulate civil-military relationships from the damaging effects of inflammatory commentary by retired general officers. A widely held belief in political and media circles is that a cabinet member or senior civilian appointee who writes a tell-all memoir prior to the departure of the administration he served is being "disloyal" to the president who appointed him, but that the official is loosed from his obligation to withhold criticism upon a change in the White House. If this standard is relevant for the civilian

executive, it is even more important for a retired general to abide by it if he wishes to maintain the reputation of the officer corps as loyal and non-partisan servants of the Commander-in-Chief. The six retired generals made a greater impact on the public debate concerning Iraq due to their recent experience in the government, but the absence of a decent interval between retirement and recriminations surely gave civilian leaders pause to consider the loyalty of those flag officers still in uniform.

### **The Means to Speak Out**

A retired general criticizing a Secretary of Defense under whom he served has taken a stand against a political figure, politicizing himself and, by extension, his colleagues remaining in the military. Although one might debate that point, a retired general removes all doubt as to his politicization when he chooses as his venue of dissent a partisan Congressional "policy committee" and joins to his call for a cabinet resignation a call for a change of party control on Capitol Hill. While the growing Republicanization of the military over the past several decades is a cause for worry, those disturbed by the trend will draw no satisfaction from seeing retired generals hitching their stars to the Democratic campaign apparatus as a means of voicing their concerns. Two Republican generals and two Democratic generals do not cancel each other out: they add up to four politicized generals. Should other factors discussed above make it favorable to the public good for a retired general officer to speak out, he should not compromise the propriety of his action by choosing a partisan political outlet for his speech.

While "policy committees" serving the Congressional party leadership structure are partisan venues, the formal, bipartisan committees, such as the Armed Services Committees, are the appropriate fora for active and retired general officers to offer their professional judgment to the legislature. Although the active duty officer is sure to guard his neutrality in such appearances,

the retired general must take extra care to not succumb to the temptation of partisanship in retirement. These committees are an important element of civilian control, and even the retired generals who took up partisan political banners recognized this when they derided the Republican Congress for what they described as inadequate oversight. What the retirees failed to recognize is that the only appropriate solution to what they defined as a problem is through the ballot box. The retirees might take pleasure in seeing the electoral outcome they desired--and it in fact may have bolstered the legislative component of civilian control--but the generals should take no pride in their role as partisan campaign advocates.

## **Conclusion**

Although they may have possessed some less than altruistic motivations, the six retired general officers examined in this paper genuinely believed that the public good would be best served by the resignation of Secretary of Defense Donald H. Rumsfeld. They had the right to speak their minds, and had the circumstances surrounding their criticisms of civilian leaders been different, it is possible the generals would have made contributions to the public good that outweighed the harm. Many of their allegations were plausible at a minimum, and senior civilians must indeed do their part to foster sound civil-military relations. The civilians, however, have a right to be wrong and are held to account by the voters. The retired generals, on the other hand, had no compelling moral duty to speak out in this case, and were not justified in the timing of their statements or choice of politically charged speaking venues. Alternatively hailed for their personal courage or condemned for their personal self-interest, the generals are not simply heroes or villains, but are instead misguided patriots. Their example merits careful study and debate by serving officers.

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